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ABSTRACT

This publication is a comprehensive record of testimony and exhibits presented to the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor of the U.S. House of Representatives during hearings on H.R. 15, a bill to extend for five years various federally funded elementary, secondary, and other education programs. The hearings were conducted on September 20, September 21, September 22, and September 27, 1977 and were concerned with hearing the views of various national educational organizations on federal educational programs of interest to them. Presenting testimony were representatives of several state departments of education, as well as numerous organizations representing school administrators, teachers, private schools, school board members, chief state school officers, state boards of education, and state legislators. Testimony and exhibits are presented chronologically and indexed alphabetically by witnesses' names. (JG)

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PART 12: NATIONAL ORGANIZATIONS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 15

TO EXTEND FOR FIVE YEARS CERTAIN ELEMENTARY, SECONDARY, AND OTHER EDUCATION PROGRAMS

HEARINGS HELD IN WASHINGTON, D.C.
SEPTEMBER 20, 21, 22, AND 27, 1977

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

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CONTENTS

Hearings held in Washington, D.C.: Page

September 20, 1977 ... 1
September 21, 1977 ... 137
September 22, 1977 ... 223
September 27, 1977 ... 417

Statement of—

Ambach, Gordon M., commissioner of education, New York State Department of Education ... 233
Davis, Will, president, National School Boards Association ... 440
Farrell, Father Patrick, U.S. Catholic Conference, representative for elementary and secondary schools; accompanied by Richard Duffy, conference representative for Federal programs, and Gerald Tobin, assistant general counsel, U.S. Catholic Conference ... 138
Goldsmith, Joanne T., executive director, National Coalition for Public Education and Religious Liberty; accompanied by John Baker, Baptist Committee on Public Affairs; and James Green, National Education Association ... 190
Graham, James D., superintendent of public instruction, Kentucky State Department of Education, representing Council of Chief State School Officers ... 224
Grassley, Hon. Charles E., a Representative in Congress from the State of Iowa ... 223
Haskins, Sarah, vice president, Board of Education of Dallas ... 125
Keller, Edward, deputy executive director, National Association of Elementary School Principals ... 333
Kiernan, Owen, executive director, National Association of Secondary School Principals ... 129
Lamborn, Robert L., executive director, Counsel for American Private Education ... 189
Mancuso, Ruth, vice president, National Association of State Boards of Education; accompanied by Robert H. McBride, Government Affairs Committee, National Association of State Boards of Education ... 388
Reibman, Hon. Jeanette, Pennsylvania State Senator, chairman, Policy Committee, Education Commission of the States ... 468
Riles, Wilson, superintendent of public instruction, California State Department of Education; accompanied by William Whiteneck, deputy superintendent of public instruction, California State Department of Education ... 417
Rosica, Thomas, executive director, Federal Programs, Philadelphia City Schools ... 102
Ryor, John, president, National Education Association; accompanied by Stanley McFarland and James Green, National Education Association ... 2
Shanker, Albert, president, American Federation of Teachers, AFL-CIO ... 428
Stromer, Delwyn, State representative, State of Iowa; and Cliff Wilson, assemblyman, State of New York ... 369
Turner, Walter G., associate director, American Association of School Administrators; accompanied by William R. Lucas, assistant superintendent, Los Angeles Unified School District ... 96

Prepared statements, letters, supplemental materials, et cetera— Page
- Asher, William, professor, Education and Psychological Science, Purdue University, letter to Chairman Perkins, with enclosure, dated October 10, 1977 406
- Association of Media Producers, prepared statement 447
- Ambach, Gordon M., president, the University of the State of New York, and Commissioner of Education:
  - Letter to Chairman Perkins, dated November 2, 1977 414
  - Prepared statement 242
  - Summary statement 234
- Farrell, Father Patrick, U.S. Catholic Conference:
  - Article entitled "Learning a Lesson From The Catholic Schools," submitted by 140
  - Prepared statement 147
- Davis, Will D., president, National School Boards Association, prepared statement 441
- Goldsmith, Joanne T., executive director, National Coalition for Public Education and Religious Liberty (PEARL):
  - Prepared statement 193
  - Letter to Chairman Perkins, dated November 4, 1977 218
- Haskins, Sarah, vice president, Board of Education, Dallas Independent School District, prepared statement 125
- Keller, Edward, deputy executive director, National Association of Elementary School Principals, statement by, with attachments 334
- Kiernan, Owen B., executive director, National Association of Secondary School Principals:
  - Prepared statement 129
  - Letter to Chairman Perkins, dated October 7, 1977 135
- Mancuso, Ruth, president, New Jersey State Board of Education and vice president, National Association of State Boards of Education; accompanied by Robert H. McBride, Government Affairs Committee, National Association of State Boards of Education, prepared statement 389
- Reibman, Jeanette, State senator from the State of Pennsylvania, prepared statement 468
- Rosica, Thomas, executive director, Federal Programs, Philadelphia City Schools, prepared statement 102
- Ryor, John, president, National Education Association, addendum to statement 16
- Shanker, Albert, president American Federation of Teachers, AFL–CIO, prepared statement 428
- Stromer, Delwyn, State representative from the State of Iowa, and Cliff Wilson, assemblyman, State of New York, prepared statement 372
- Tobin, Gerald C., assistant general counsel, U.S. Catholic Conference, letter to Chairman Perkins, dated October 4, 1977 216
- Turner, Walter G., associate director, American Association of School Administrators, prepared statement 97

PART 12: NATIONAL ORGANIZATIONS

TUESDAY, SEPTEMBER 20, 1977

House of Representatives,
Subcommittee on Elementary, Secondary
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 8:30 a.m., in room 2175, Rayburn House Office Building, the Hon. Carl D. Perkins (chairman of the subcommittee), presiding.

Members present: Representatives Perkins, Blouin, Mottl, Weiss, Kildee, Corrada, and Quie.

Staff present: John F. Jennings, majority counsel, Christopher Cross, minority senior education consultant, and Nancy L. Kober, staff assistant.

Mr. **Mottl**. The subcommittee will come to order.

The subcommittee is continuing hearings today on H.R. 15, a bill to extend certain expiring elementary and secondary education programs for five years.

I am delighted that this week and part of next week we will be hearing from representatives of all the major educational organizations and associations.

Today we have with us representatives of the National Education Association, the American Association of School Administrators, the Council of the Great City Schools, and the National Association of Secondary School Principals.

Many of you have been here before many times. The committee has benefitted from your thinking on several educational bills throughout the years. Each of you has made contributions to the improvement of education too numerous to mention.

I am continually impressed with the dedication that all of you have shown in your efforts to serve our young people, and I am sure the committee will give your comments thoughtful consideration when we mark up legislation next year.

The chairman, Mr. Perkins, will be with us very shortly. I would like to bring to your attention at 9:30 we have a full committee mark-up. So, if we can have the cooperation of our distinguished representatives this morning, to be as brief as possible, so we can make sure we can get as many people in.

Without further ado, we have the pleasure of having Dr. John Ryor, President of the National Education Association.

STATEMENT OF JOHN RYOR, PRESIDENT, NATIONAL EDUCATION ASSOCIATION, ACCOMPANIED BY STANLEY McFARLAND AND JAMES GREEN OF THE NATIONAL EDUCATION ASSOCIATION

Mr. RYOR. Thank you very much, Congressman. I have with me our Director of Government Relations, Stan McFarland, on my right, and the Assistant Director of Government Relations, Jim Green, on my left.

We will abide by our advice to keep the remarks brief, even though this problem and this issue is of great importance, not only to the National Education Association, but we believe to the United States citizens and parents and teachers in general.

The NEA wishes to express its gratitude to this committee for the extensive hearings it is conducting this year on elementary and secondary education. Except for the hearings held in 1973, these hearings are the first in-depth examination of the role of the Federal Government in elementary and secondary education since 1965.

Our members are present in nearly every school district in America. Therefore, they have a unique perspective concerning this law and a deep interest in its reauthorization. We see in your deliberations the opportunity to redirect these programs to ensure that they do the best job possible for schools, students and teachers.

During the past two years, two standing committees of the NEA have conducted an extensive study on the Federal role in education in the United States. Hearings were conducted in every region of the country.

At those hearings classroom teachers presented their views on how existing Federal programs were being operated and what should be done to make them more effective. Our testimony will reflect those findings as well as other relevant NEA policy.

Something must be done to relieve the school tax burden at the local level. Last year at least 13 school districts closed because they simply ran out of money and thousands more operated with totally inadequate funds. Local tax proposals continued to fail more often than not because in most states schools remain unmercifully dependent on the regressive, rigid and unpopular property tax.

The obsolescence of our systems for financing the great American experiment in popular education is evident in both the inadequacy and the inequity of the property tax as its principal source of revenue. State governments are also confronted by massive problems in financing the schools.

In 1976-77, the highest spending state expended 267 percent more per child than did the lowest. One thing is clear, that equality of educational opportunity cannot be achieved unless the methods of financing public education relate specifically to that goal.

Federal assistance to encourage the states to equalize revenues among school districts should be expanded, and should include Federal incentives for state equalization programs which move away from the property tax as a primary source of education revenues.

The existing pattern of Federal aid to education is a complex scheme of categorical programs designed to meet specific educational problems. Even though the categorical approach used by Congress has achieved some success, unforeseen administrative problems have arisen at all levels of government.

There is confusion and consternation over the undue complexity of Federal aid and the failure of appropriations to achieve promises made in authorizing legislation. Some basic needs for assistance have not been addressed.

It is becoming apparent that, within the next five years, school systems in every area of the country will be facing extremely difficult financial situations. All the evidence we have now indicates that in the next few years more schools will be closed for an extended period each year, simply because they do not have the money to continue to operate.

One recent study reports that the expenses of maintaining the present level of services for elementary and secondary school children will exceed the revenues from present sources by about $15 billion by 1981.

It is our belief that Congress will be faced with a serious 'education problem' very shortly. For this reason, we recommend that this committee extend the scope of these hearings to include a prospective study of education finance during the next ten years.

As the committee reviews the Federal programs for possible renewal or change, we request that you use the following set of general principles as a guide for the reauthorization of the programs.

Federal funds should be available to:

One, assist with the cost of basic maintenance and operation of elementary and secondary schools;

Two, provide special assistance designed to meet the educational needs of students from low income families, handicapped students, students of limited English speaking ability, and American Indian students;

Three, be used to solve educational problems which are of national or regional concern; and

Four, assist in improving the quality of American education by supporting research in the field of education and encouraging the development and adoption of improved educational methods, practices and techniques.

A high quality education and equality of educational opportunity for all Americans is a primary goal of the National Education Association That goal cannot be achieved unless the nation's public school systems are adequately supported financially by governments at the Federal, State and local levels.

Existing Federal education programs, as they are renewed, should be examined in view of this goal. Those programs which lend themselves to achieving that goal should be expanded, while others should be modified, curtailed or ended accordingly.

Moreover, NEA believes that the Federal Government should assume the obligation of supporting one-third of the cost of public elementary and secondary education in the nation.

Increased support is necessary for maintenance and operation of schools. This can be achieved by authorizing geneal aid which broadens the purposes for which funds can be spent at the local level. Special needs can still be met by adequate guarantees required as a precondition for receipt of maintenance and operation funds.

The concerns we have outlined point to some general changes that we believe are necessary as the reauthorization legislation is drafted. One primary concern is the elimination of bureaucratic red tape.

We propose that the new language retain only those statutory requirements necessary to ensure that Federal funds are expended in accordance with the purposes for which they were appropriated. The law should prohibit State regulations which go beyond the minimum necessary to achieve the intent of Congress.

NEA recommends that wherever possible, Federal funds be made available directly to local school districts, leaving to state legislatures the authority to decide the extent of state education agency control over local program plans and expenditures.

The new legislation should be designed to broaden the authority of local school districts to decide how the money provided by the Federal Government can best be used to start solving the problems to which the Federal legislation is addressed.

There should be precise language providing for maximum teacher involvement in the planning as well as the execution of federally-funded programs.

Above all, the new legislation should state as simply and clearly as possible the problems which Congress wants to solve and the priorities it places on those problems. Such specific guidance would be of great value to state and local agencies as they interpret the law and develop their implementation plans.

Turning to specific program recommendations, we believe that substantial changes are necessary in the ESEA Title I program for the disadvantaged. We believe that the focus of this major effort has become distorted over the years, both by congressional amendment and Federal agency interpretation.

The reasons for this distortion are many: The original law was ambiguous; State and local administrators sought to use Title I to effect social change as well as improve educational opportunity; some State education agencies used Title I as a vehicle to extend an inordinate amount of control over local school districts; and appropriations to implement this vital program have been totally inadequate.

To remedy these problems, we suggest that the ambiguous phrase 'educationally deprived children' be dropped from the language of the law and that it be made quite clear that Title I is to be used solely to meet the needs of children from low-income families.

A major roadblock to timely funding has been the cumbersome process of determining and allocating the Part B incentive grant program. The amount of money available for incentive grants is so small that the administrative burdens of allocating the grants subvert rather than encourage local effort. We propose the repeal of Part B and the reallocation of those funds to Part A.

The most inequitable distortion of the Title I program is the policy of targeting—singling out school attendance areas having the highest concentration of impoverished children and designating those areas as the sites for Title I programs.

The result of this practice has been the neglect of millions of children who, by definition, should be legitimate recipients of the benefits of Title I. NEA's support of this program was based on the assumption that Congress intended to serve all, not a mere fraction of, youngsters from impoverished families.

We further propose the institution of two-year application and approval procedures for Title I programs. The current practice of funding projects for one year at a time has kept local school districts in a state of perpetual uncertainty and administrative chaos.

Planning programs and recruiting personnel on a year-to-year basis would be unthinkable in the business world. It is impossible to implement a program as important as Title I with any degree of stability and predictability under the present scheme of annual applications.

A significant improvement in Title I would be the authorization of local districtwide Title I plans.

Chairman **Perkins**. Let me interrupt you just a minute to say that the Commissioner of Education is inviting all the States in, and this happened to be Kentucky Week for Education. A number of people from Kentucky and from the Department had a breakfast this morning.

That was the reason for my absence. I am delighted to be here. I may not be able to sit through the entire hearing because of the welfare reform legislation. But, I appreciate Mr. Mottl, Mr. Weiss, and all the other members who have been attending these hearings and keeping up with them by reading your statements.

Excuse me for interrupting you. Go ahead.

Mr. **Ryor**. I was saying a significant improvement in Title I would be the authorization of local districtwide Title I plans. This would allow school districts to move away from discriminatory targeting and into a process of planning how to improve services for all children from low-income families.

Increased funding would be necessary to ensure that all eligible children received some benefit from Title I, but we believe that the equalization of educational opportunity—the basic promise of Title I—would be enhanced considerably by changes we have proposed.

Similarly, the Emergency School Aid program has suffered from one-year funding. School districts seeking Federal help in the desegregation process need help for more than one year.

We recommend that the law be amended to authorize multi-year project funding, depending on the time necessary to complete an integration plan and overcome the need for emergency assistance.

Finally, we want to discuss the future of the impact aid program. First, NEA stands behind this program and will oppose any attempt to cut it down until an alternative means of supporting our schools and fulfilling Federal obligations in a more nearly equitable fashion has been developed and implemented.

The impact aid program is supported by teachers because it is the nearest thing to general Federal aid to education. It is popular because it provides funds with few strings attached. Once the allocation has been made, the funds are available for general maintenance and operation.

We find, however, that distinction between low-rent public housing and other impact aid categories has created problems. Restrictions on the use of entitlements from low-rent housing for projects to serve educationally deprived children have, like those of ESEA Title I, been used by the Office of Education to distort the intent of the law. We recommend that any distinction between low-rent housing entitlements and other impact aid categories be abolished.

We also suggest that the U.S. Commissioner of Education be authorized to make payments on the basis of estimates, pending final counts of federally connected children, and that the Office of Education be directed to make payments as early as possible on the basis of a school district's entitlement for the preceding school year. This would solve the problem of late payments.

In addition, we suggest that the application process be expedited by having the local contribution rate be computed on the basis of State or national per pupil expenditures rather than the 'comparable district' method.

It is often difficult for a local education agency to find a comparable school district within the State and force-fit the data it does collect into its annual application.

Mr. Chairman, we have touched briefly on the highlights of our concerns about the reauthorization of elementary and secondary programs. I call your attention to the supplementary material which has been filed with the committee for a fuller examination of the problems we have identified and the solutions we propose.

Thank you for this opportunity to express our views.

Chairman PERKINS. Your statement is very helpful. But, I want to make sure I understand one point.

Do you agree with me that we should start thinking of going to general aid on top of the categorical program; that is, leave Title I as it presently is? Do you also believe we should encourage equalization with this aid?

Mr. RYOR. To answer as specifically as possible, Congressman, if I understand your question, we do believe it is critical that we move towards general aid to education. We believe likewise the current categorical programs, many of them being very effective, ought to be examined against the criteria established earlier. One, that they respond to the identifiable problems.

Chairman PERKINS. Let me give you a specific example. I taught school in 1932, the first year. I got $39.10 a month. Some of my college friends in other parts of the state were drawing $123 and $125 simply because their resources were so much higher. But, at the same time, our tax rate in my home county was 75 cents to the $100 and their tax rate was only 25 cents to the $100.

Of course, the States, through various equalization programs, have done a lot to eliminate that. But still we have those great discrepancies existing today, even in my home state.

I am just wondering if you believe we should encourage equalization through Federal legislation in the form of general aid. I don't believe we should tell them how they should spend the money. They can spend it on teacher's salaries or any way they want to spend it.

Mr. **Ryor**. The answer to that question, Congressman, is yes. As we point out in our paper the disparity in monies available behind each child is preventing our achievement——

Chairman **Perkins**. Do you believe that Title I should remain targeted on the economically deprived and that we should not move toward basing the allocations on educational deprivation as proposed by Mr. Quie?

Mr. **Ryor**. Congressman, if I understand your question it is do we believe that we ought to move away from targeting through a more general aid formula. The answer to that is——

Chairman **Perkins**. Do you believe that Title I should remain targeted on the economically deprived, and that we should not move to focusing on the educationally deprived as proposed by Mr. Quie.

Mr. **Ryor**. Yes, we believe that you ought to move away from targeting and towards a general funding to respond to the economically deprived students in our school districts.

Chairman **Perkins**. I intend to try to get a proposal of that type through this committee. We are going to need all the assistance that we can possibly get.

I think it is time for the Federal Government to become a better partner in the field of education. We have dragged our feet far too long already—maybe a generation or two too long.

I am hopeful that we will have perhaps 30 more days of hearings—we have already had 31—and then we will commence a markup. We will do our darndest to come up with a much improved bill, which will hopefully simplify many of the education programs that are presently awkwardly arranged and awkwardly administered.

Mr. Weiss?

Mr. **Weiss**. Thank you, Mr. Chairman.

Dr. Ryor, I very much welcome your participation and, of course, this is very much a learning process for me. It is the first time I am really going through the legislation at a hearing level, line by line, so to speak.

Let me ask you, on the targeting question, I am not sure if I really understand your position.

You know, in the public works legislation that the Congress has passed, what we have done has been to provide assistance, not just on the basis of per capita unemployment, but on the basis of concentration, rates of unemployment.

I think that the provision in Title I of ESEA is very much akin to that.

What I think the formula suggests is that there is a distinction in the amount of need that a community needs when it has a very large concentration of children from low income families, rather than those where there may be just, you know, a number of low income children, but mixed into the overall, a number of children that is not a critical problem.

I wonder whether in fact you are suggesting there ought to be no consideration, no special consideration given to those communities where there is a higher concentration of low income and impoverished families, or just what is you position?

Mr. **Ryor**. No. It isn't that we believe there should be no effort to achieve some equity in education for low income and educationally deprived students. The point is the program was initially conceived with the notion that most of those students were contained in specific parts of the city, or geographical or governmental areas.

Subsequently, as you well know, there have been many integration orders that have caused the integration of public schools, a goal that we have long supported as well, and consequently the needy children and the children who have need for special income, special programs, have been distributed across the school district at large.

Consequently, when we have a threshold requirement, say, that 60 percent must fit this definition, that means that there are probably 40 percent who have been moved or perhaps are in other schools within that same school district, who are getting no attention at all.

We believe the need in the program would be better met, and the needs of the children would be better met, if in fact we opened it up to a general aid in that school district to deal with low income families or children, I should say, from low income families, one, first to establish an assessment of the educational needs of those chidlren; two, to put together a plan, a program to meet those specific needs, and to submit that plan to the Office of Education for funding; three, that there be an evaluation mechanism to see how well we have done in meeting the needs of those children.

It should be done schoolwide as opposed to simply targeting in a particular area, and to meet the needs of all the children.

Mr. WEISS. You are talking about districtwide rather than individual schools, but you are not talking about nationwide on a per capita basis.

Mr. RYOR. No, absolutely.

Mr. WEISS. Thank you very much. Thank you, Mr. Chairman.

Chairman PERKINS. Mr. Quie?

Mr. QUIE. Thank you.

I am sorry I am late this morning. I had another meeting to go to. I am glad I have a chance to be here and ask you, John, about your testimony.

Going through this quickly, I am perplexed on a couple of matters. One is that you talk about equalization. Yet, you wanted the Federal Government to go directly to the local school district and let the State then tend its own business, let the legislature decide the extent to which the state education agency ought to control.

How do we bring about that equalization if we divorce ourselves from state government?

It seems to me it is a very important principle, I might say, when the Federal Government bypasses the state which has responsibility for elementary and secondary education.

As you know, in impact aid we do bypass the state and have all kinds of battles on equalization here. We don't equalize with impact aid at all. I mean, that is kind of an anomoly to me.

Mr. RYOR. Well, Congressman, I think the language says wherever possible we ought to move those funds directly to the local school district to meet the specific needs of students. We are not saying there should be no Federal ties or that there shouldn't be some cooperation with the State itself.

But, we think that it is a bad use of money, for example, to set up a series of rules and regulations in addition, which has happened so often, to rules and regulations imposed on the Federal legislation for educational programs, thus compounding the bureaucratic red tape and in terms of cost effectiveness, leaving fewer of the tax dollars available to meet the needs of the children in the schools where the funds were intended to go.

I think there must be some line of balance between the two. One is that the State does have some control over specific programs and directions within the State, and two, the need of the local to assess its own peculiar programs, to submit those programs paticularly in regard to the Title I programs, directly to the Office of Education for approval, to meet the needs of those students as they see those needs at the local level.

We see no need in those instances to run those programs thorugh the State department of education.

Mr. Quie. How do you propose to bring about the equalization? I was talking not just about Title I, but equalization. You are saying that you need more equalization between school districts. I know the courts have done some—for instance, California with the Serrano decision, which was a State court decision, not a Federal court decision, as in Rodriguez.

While many of us were impatient, at least California has made some movement to that extent. We did it in Minnesota, without pressure from the courts at all. But how do you bring about equalization with Federal aid? I can understand it if we went after the state governments, and made something contingent on it.

It sounds to me like you want to fill in for their bad judgments, if I read your testimony.

Mr. McFarland. Congressman, you know the financing of education from state to state is a crazy quilt. Some are state financed, some almost all with local, to give the two extremes. We are suggesting in here the elimination of the present Part B because it has been ineffective, there has been little money to be incentive for any kind of equalization. So, we are suggesting——

Mr. Quie. Part B is just a part of Title I. Your equalization was more than just disadvantaged children. Yours was the total picture of education.

Mr. McFarland. That is right. At this point we do not necessarily have any specifics to suggest, just recognizing the problem that something has to be done. I agree with you that in some of the suggestions we have made, and in terms of what now exist, that there certainly would be complications.

It seems as if we are going two ways. But we did suggest earlier on that the Congress initiate a ten-year study, or a study to really get into this, which may be no more than a collection of existing data, since there are rooms full and school buildings full of school finance data.

But, to establish an overall kind of a program to meet this need——

Mr. Quie. From my own point of view, I think we are going to have a very difficult time on the part of the Federal Government to equalize within state boundaries. I think it is our role, if there is a difference in ability of states to finance education, to equalize between states. But, equalization is not just an equal amount of money.

Mr. **McFarland**. That is exactly right.

Mr. **Quie**. For some students you have to expend considerably more, twice as much, in order for them to have equality of educational opportunity. I agree with you that the property tax is an unfair tax, but when one looks at the property tax as used in some States, I still remember that adage from studying public finance, that a bad tax accepted is better than a good tax that hasn't been accepted yet.

If we are talking about education, I would sooner get property tax money for education than no money from some other source.

Mr. **Ryor**. We are not suggesting, Congressman, that you do away with property tax without some notion where we are heading to finance public education in its place. I don't think the two issues are mutually exclusive.

The problems you identify, needy children who are from families which are economically deprived or which have not had the advantages of the upper middle class, if you will, I think are problems that can be dealt with aside from the question of incentives in moving toward general aid.

It is altogether at least conceptually possible to encourage the States to move towards a greater effort and to have the States which are not now putting forth an effort, and local districts that are not now putting forth effort to hold up their end of the bargain to make the funds attach to some minimum or some threshold effort by those two levels; at the same time, address ourselves to the categorical programs that have merit, and specifically relate to the problems of deprived children.

Mr. **Quie**. I have no problem with the study. I think it will be good. We have done some other studies. As you say, Stan, it may just be pulling together all that has been studied before. But, I know we have a very difficult road to walk on that.

Mr. Chairman, if I may pursue just one other line of questions.

You mentioned also, John, that you want to remove educational disadvantage from the law and have Title I apply only to low income students. Again, I am surprised at that.

I thought everything that we learned from the beginning is that we are really talking about educationally disadvantaged children, and economically disadvantaged as a way to get a handle on them, when we didn't know how to get a handle on it in 1965.

Now, what happens presently in Title I is that, when you get to the target school you divorce yourself entirely from economic disadvantagement, and you go just to educational disadvantagement. It doesn't make any difference whether the child is a doctor's child or a child of a person on welfare. They both receive the benefit.

Let me tell you what has happened, I believe it was in Charlotte-Mecklenburg, where a school attendance area that had the least number of poor children and could not be counted as a target school, actually had the highest number of educationally disadvantaged children. When they became one of those 13 test school districts in the country that were able to use factors other than income in order to distribute the money, they were able to address themselves to the school attendance area that had the highest incidence of educational disadvantagement. They couldn't do it before.

Even principals in other schools that lost money said to me that they favored that method because it was fairer. They hated to lose money from their school, but it was fairer because those who needed the help more than anyone else were receiving it.

I have come to the conclusion that we ought to first back that up and let the school district devise programs for those who are educationally disadvantaged because the number who have free lunches really is not a good indicator.

Some parents don't like to say, 'I am poor, I would like my child to have a free lunch,' and others do it even though they are not poor. That is not a good, accurate indicator. There is no good, accurate indicator on low income. I believe one would be able to do that within the State.

Now, I recognize that it is very unlikely that this Congress is going to pass my suggestion, that you distribute the money between states according to the educational disadvantagement because it gives the impression of national testing, and people just have not thought in those terms.

We know that NAEP cannot even give their results by State, for fear that States then would be in judgment of each other, that they are not doing as good a job.

I don't agree with that myself, but I recognize the real world as it is. People don't like to be told they are doing a poor job educating their children as compared to another state. We all know when it comes to the professionals themselves, that they are not totally at fault because there are all kinds of factors outside the school systems that are causing it.

They are caught in a bind that I don't believe elementary and secondary schools have ever been caught in before. With the decreasing enrollment and the pressure of the taxpayers it just makes it virtually impossible for them to really grapple with the problems they have.

To add another one in, mainstreaming handicapped children, which I think is excellent for the handicapped, it really puts the public school teacher in a terrible plight because he or she probably ought to be spending their time with the four to eight students that were mainstreamed in there, and they have got the other 25 students to work with. That is just an insurmountable barrier.

So, I know all of that is there.

But, it seems to me in Title I we ought to address ourselves as much as possible to the student who needs the help, that is not progressing as well as he could if we had some remedial help in Title I.

Mr. RYOR. We agree with your conclusion that the program and the monies in the program ought to address themselves as best can be to the needs of those children. But we don't agree that educationally disadvantaged is a definition that has taken on much meaning or that that has served meeting those needs; and that low income families, a definition of that nature does make it possible for us to put a finger on where the need is; and also as it relates, Congressman, again to the targeting question.

We think all students who are disadvantaged in that regard ought to have access to the programs. Moreover, we think, as you have stated, that it is the local school district that can best assess those problems and best develop a program that meets those needs.

Consequently, we are asking for the shift, both in the definition and in the way the funds are expended.

Mr. **Quie**. To low income rather than educationally disadvantaged.

Mr. **Ryor**. Yes, sir.

Mr. **Quie**. Does that, then, mean instead of providing assistance to anyone who needs the help in the target schools without regard to income, that now you will only help those students educationally disadvantaged and poor?

Mr. **Ryor**. No. What it means is each school district will be responsible for submitting a plan to meet the needs of 'the educationally disadvantaged from low income families,' a plan in order to receive the funds from the Federal Government in that area.

But, it would also be possible for the local school district to develop a plan that related to all of the children who qualify under that definition, as opposed to just those children who happen to live in the targeted area.

Mr. **Quie**. In other words, then, you agree with what I have proposed in my bill?

Mr. **Ryor**. I don't know. What is that?

Mr. **Quie**. Once the money gets to the school district, that the school district determine who needs the educational remedial work and help them without regard to the income of their parents.

Mr. **Ryor**. No.

Mr. **Quie**. You don't?

Mr. **Ryor**. No.

Mr. **Quie**. Then if you don't agree with that, then it seems to me you are not favorable to what is going on presently.

Mr. **Ryor**. We have talked often about the disadvantaged as it relates to educationally deprived children. I think it relates more specifically to what we have called affirmative action plans in recent years.

Whenever the starting line was made on the track, and the almighty put everybody down there, he did not tie rocks around the ankles of half a dozen of them, only to have it discovered after 40 years down the track that half a dozen people were held back and cutting off those rocks creates parity.

There is an adjustment that has to be made to get people back up to the level so that everyone has an equal chance from that point, and an equal educational opportunity to achieve the best within them.

We don't believe the definition, as it has been used, "educationally deprived," has achieved that, nor do we believe the targeting has helped achieve that. It has in fact shut out many students.

We believe that the low income family definition is something that everybody can recognize, and while there may be shortcomings in any definition that we come up with, we believe that the definition is far more equitable in its application or could be than the current definition of "educationally disadvantaged."

Mr. QUIE. Low income is more equitable?

Mr. RYOR. Yes.

Mr. QUIE. So you just want to cut the rocks off those who have poor parents?

Mr. RYOR. Who are economically deprived, yes.

Mr. QUIE. And those who have the rocks on their ankle, whose parents have money, you want them to continue to have the rocks on their ankles.

Mr. RYOR. No, Congressman, I don't think that analogy would follow. I think if we are looking at relating to——

Mr. QUIE. Let's back up on the analogy. You say that the kids are running down the track. Some of them have rocks on their ankles, and other ones don't.

Mr. RYOR. That is right.

Mr. QUIE. You admit, don't you, that it is not only those who are poor that might have rocks on their ankles, but those who come from parents who are not poor.

Mr. RYOR. That is true. But I think only to the degree, Congressman, that the children who come from families which are not poor and who have had the advantages, and who have identified educational problems, whether those are handicapped or cases of mental retardation, or whatever the other problems are, we have specific programs that relate to those.

We are talking about the massive numbers of children who are shut out of the process right now because of being economically disadvantaged.

Mr. QUIE. Don't get into the handicapped. I recognize that we provide the aid for the handicapped without regard to the parent's income. But those who are not then classified as handicapped, but are disadvantaged in that they are not moving along at the level that one would expect from their innate ability, they are both poor and nonpoor.

The studies that I have seen indicate about 60 percent are nonpoor and about 40 percent are poor. What you are saying is that you ought to help only the 40 percent that are poor.

Mr. MCFARLAND. I think one of the problems we are facing here, Congressman, is the fact we have a very restricted program. To get the better bang for the buck—we recognize the problem with the educationally disadvantaged. The future holds, at least in our projections from the Administration as well as from the Congress, substantial increases in funding for Title I, and for most of the programs, where I think we are still in a hold-the-line kind of a situation.

Although we would agree that if you could double or triple the money in the program at this point in time, we are looking at——

Mr. QUIE. What is wrong with that?

Mr. MCFARLAND. We just don't think it is possible. It has not been possible. There are less children being served proportionately today in Title I than were in 1967.

Mr. QUIE. Stan, if you are going to cut out all of the students who presently are receiving Title I, who don't come from poor families and limit it only to the poor, then you are denying the opportunity to those who have some political clout who would get more money.

If you deny it to those with political clout—and in this day and age some people may talk about the poor having political clout, but I don't believe it—they are not going to be able to push for any additional money.

Mr. McFarland. We are also suggesting that the Congress move into a general maintenance and operation mode that would allow school districts to deal with the problems of the educationally disadvantaged beyond the economically disadvantaged.

Mr. Quie. You know, we have given them that opportunity. There are few states that have done it. California is one that has developed a program for the educationally disadvantaged. Michigan was one of the early ones. We haven't in Minnesota. In Minnesota we are using just Title I from the Federal money. I don't like that myself, but I recognize that is the case there.

Now, you have either got to go to the State of California and say you are doing it wrong out there, just help the poor kids, don't help the other ones, or else say to the Federal Government we would like to see you expand to help educationally disadvantaged kids no matter where they are.

Now, it seems to me that if you have a child that could, with remedial help, do better, we ought to provide that for that person without regard to their parent's income.

I recognize that poverty is a disadvantage, but the students who come from families that are not in poverty may be more difficult to help because they are disadvantaged even with all those economic advantages they have.

Those people are important to America, too.

Mr. Ryor. Congressman, it is your statistics I am totally unaware of. You say 60 percent of all of those educationally disadvantaged are from middle income families.

Mr. Quie. Or above.

Mr. Ryor. If you have that research, it is something we are totally unaware of. I don't know who did it or where it comes from. We would be happy to look at it.

Mr. Quie. Systems Development Corporation.

Mr. Ryor. Or what the definition of educationally deprived is, and who has measured it, and what systems are used to measure it.

Mr. Quie. One year below grade level.

Mr. Ryor. The definition is one year below grade level, as educationally disadvantaged child.

Mr. Quie. Yes, and it seems to me that if you can crank in, to bring people up to grade level, that is what we are talking about. It would be wise for kids, and not just limit it to the poor kids.

Mr. Ryor. I don't argue with your contention that everybody ought to be at a grade level. But again, I suspect what you have used to measure that thing is some sort of standardized test on the national level, and that also presumes something that I don't think is true; and that is that 16,500 school districts have identical curriculums.

We think that is why it is important that we develop some new systems of testing and measuring and determining how those school districts relate to the problems that have been identified and the needs of the child.

Mr. QUIE. I recognize you can pick holes in it. That is what we tend to do, instead of face the issue.

Mr. RYOR. The issue is determined——

Mr. QUIE. The problem is that there are educationally disadvantaged. I will take your definition of it. Then do a study on it, and I am sure from the other studies I have seen you are going to find about the same factor, about 60 percent of the children who are not achieving as they should, come from families that are not poor.

You want to divert away what we are presently doing for those kids.

Mr. MCFARLAND. What we are actually suggesting are additional programs to deal with the educationally disadvantaged. It is a hodgepodge now, it is a scattergun approach. Unfortunately, the kids are not being served in the terms of the total universe of the kids eligible on the basis of the formula.

Mr. QUIE. Would you then be favorable to having one for the poor and one for the nonpoor?

Mr. MCFARLAND. I think we have suggested that there be maintenance and operation money in there to allow the school districts to develop those programs.

Mr. QUIE. But they are not necessarily going to do that.

Mr. MCFARLAND. The requirement would be they develop part of it as an educational plan to deal in this area.

Mr. QUIE. What if we required that they could only use the money for educationally disadvantaged, like we did in the Category C of impact aid?

Mr. MCFARLAND. Well, I think that we would have somewhat of a problem with that because we would like to see it broadened out for more local discretion and control in decisions of those programs.

Mr. QUIE. I am really in a dilemma here. I cannot understand why people are so afraid to help the kids who are not poor, who need help.

Mr. MCFARLAND. We would like to see programs for gifted and programs for other. We want to deal with a recognizeable problem. John made an allusion to the rock in terms of being economically disadvantaged. Maybe that is one thing that the Federal Government can really do to assist those kids.

Mr. QUIE. The teachers you represent really don't know very well who is poor and who is not poor in their classroom. They really don't know. They would prefer not to be required to segregate them because of poor and nonpoor. I cannot see why they would want a program which would only fund programs for those who are poor. I can't understand that.

Mr. MCFARLAND. A question of emphasis.

Mr. QUIE. Okay.

Mr. BLOUIN. The subcommittee would like to thank NEA, all of you, for being here this morning. I had the opportunity to skim through your testimony last evening. As usual, NEA is in the forefront in educational innovation.

We appreciate your being here. We would appreciate your continued interest.

[The supplemental statement follows:]

GOVERNMENT RELATIONS

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ADDENDUM TO STATEMENT OF THE NATIONAL EDUCATION ASSOCIATION ON REAUTHORIZATION OF ELEMENTARY AND SECONDARY EDUCATION

I. Supplemental Statement to NEA Testimony by John Ryor

Financing Elementary and Secondary Education 1
Long-Range Planning and Policies for Education 2
Equity in School Finance 4
Federal and State Regulation and Paperwork 5
National Education Policy 7
Maintenance and Operation of Schools 8
Teacher Training 9
Title I of ESEA 12
Title IV - Consolidated Education Programs 17
Impact Aid 18
Special Projects Act 21
Emergency School Aid 22
Indian Education 24
Standardized Tests 26

II. Appendix

NEA Statement on Migrant Education
"Why Teachers Quit" (Report from Washington Post)
NEA Policy on Federal Aid to Education

September 20, 1977

SUPPLEMENTAL STATEMENT TO NEA TESTIMONY
BY JOHN RYOR

During the past two years, two standing committees of the NEA have conducted an extensive study on the federal role in education in the United States. Hearings were conducted in every region of the country, at which practicing classroom teachers presented their views on how existing federal programs were being operated and what should be done.

The statements and recommendations in this document reflect the findings of our survey and the official policies adopted by the Representative Assembly and other governing bodies of the NEA. A copy of the over-all NEA Policy on Federal Aid to Education, as adopted by the Association's Board of Directors on May 7, 1977, is attached for your information.

Financing Elementary and Secondary Education

It is becoming apparent that, within the next five years, school systems in every area of the country will be facing extremely difficult financial situations. Already we have had school closings resulting from the lack of funds. All the evidence we now have indicates that in the next few years more schools will be closed for an extended period each year, simply because they do not have the money to continue to operate. One recent study reports that the expenses of maintaining the present level of services for elementary and secondary school children will exceed the revenues from present sources by about $15 billion by 1981.

Within the scope of the study we have thus far conducted, it is our belief that the Congress will be faced with a serious "education problem" very shortly. For this reason, we recommend that this Committee extend the scope of these hearings to include a study of education finance during the next ten years.

Long-Range Planning and Policies for Education

It was hoped that, when the new Administration came in, the first order of business would be at least a survey of the condition of elementary and secondary education in this country. Thus far, the concern of HEW has been primarily with reorganization. To be sure, the Education Division needs reorganization; however, reorganization is not a substitute for measures to take care of the real educational needs of the Nation. The only reorganization which will enable us to meet those needs is the creation of a cabinet-level Department of Education. The existing structure of the Education Division cannot be patched up, even under a reorganization plan, to give education the priority it merits at the federal level.

Education, as much as any area of the Government, has been plagued by strife between the Legislative and Executive Branches of the Government -- strife which had little to do with the substance of education.

The first cooperative effort we suggest is that the Congress and the Education Division divise a means of long-range planning on the future of elementary and secondary education.

It may be that the best method to approach long-range planning and policies for education would be to enact the plan and policies in the form of a joint resolution.

Such a joint resolution could establish a commission on financing elementary and secondary education - similar to the American Indian Policy Review Commission - with the responsibility for studying the problem of school finance and the proper federal role in dealing with that problem, and for making a report with recommendations to the Congress and the President. Those recommendations could then be considered, modified, and be the basis of a long-range policy resolution, providing guidance for both the Legislative and Executive Branches in their deliberations in the future.

Existing federal education programs were not designed to cope with the basic problem of education finance. They are all intended to supplement regular school programs. But as long as the Federal Government takes this supplementary role in education it will be avoiding basic problems. However, whatever is done during this Congress respecting existing law could well have a decisive effect on what future Congresses do in the area of education finance.

For this reason, we would propose that, unless there is a thorough examination of the question of education finance and appropriate legislation designed to meet the situation arising in the next few years, existing law be extended only through fiscal year 1980, thereby necessitating a continuing study of the problem.

We are preparing legislative proposals in this context. The laws authorizing existing federal education programs ought to be amended to improve them. However, these programs should be modified with a view toward the long-range solution.

Equity in School Finance

Present methods of financing public elementary and secondary education are inadequate both to meet existing and future needs and inequitable in allocating funds within the states and among the states. Equality of educational opportunity cannot be achieved unless the finance methods used specifically relate to that goal.

Many public education systems rely almost entirely upon the property tax as a source of revenue. The value of property and the ability to pay taxes thereon bears little if any relationship to the ability to pay for educational services or the relative need for those services. This undue reliance upon local property taxes as a source of revenue for education makes revenues available with little or no relationship to educational needs and, at the same time, causes financial hardship on retired persons with fixed incomes who do not generally have children in elementary and secondary schools. We would contend that the use of property taxes to support education is irrational and as such constitutes a violation of equal protection of the laws.

The states are making inadequate efforts to equalize revenues among school districts. Although the Congress made a start in this direction with the enactment of Section 842 of the Education Amendments of 1974, the time has come to take more substantial steps toward achievement of educational equity.

Federal assistance to encourage the states to equalize revenues among school districts should be expanded, and should include federal incentives for state equalization programs which move away from property taxes as a primary source of education revenues. Distribution formulae in existing and future programs should not be inconsistent with this concept of equity.

Federal and State Regulation and Paperwork

In our hearings, we found two universal complaints from teachers about existing programs: (1) too much paperwork, regulation, and red tape; and (2) too much state bureaucracy. These complaints themselves are interrelated. Even though federal regulations and paperwork requirements are extensive, additional requirements imposed by the states have made some federal programs so burdensome that local schools find it difficult to accomplish their primary purpose: the education of children.

These complaints, at first glance, appear to be petty irritants in the broad picture. But after extensive examination we have come to the conclusion that, unless the problems of paper work and bureaucracy can be overcome, any major federal effort in education will be muted and possibly defeated.

For these reasons, we propose that this Committee, in reviewing existing law, retain only those statutory requirements which are necessary to ensure that federal funds are spent for the purposes for which they were appropriated. The law should prohibit state regulations which go beyond the minimum necessary to achieve

Congressional intent and those which increase administrative costs and paper work.

Much of the regulation and paper work does not arise from federal statutory requirements. It arises from state-imposed additional regulations. A look at the growth of state educational agencies in the last decade will show that federal programs have placed an ever increasing authority for education policy in those agencies. In many instances, the growth of state bureaucracies and their increase in power has been accrued at the expense of local school districts. Even though education has traditionally been considered a state function, most state legislatures have placed primary legal authority for education at the local level. The federal government has given so much money and power to state agencies that some can operate almost independent of state budgets. Some, through the control of federal funds, have achieved greater authority over local school districts than could have been achieved through their state legislatures.

The NEA recommends that whenever possible, federal funds should be made available directly to local school districts, leaving to state legislatures the authority to decide the extent of state agency control over local districts. Millions of dollars could be saved because the payments now made for state administrative expenses would be unnecessary.

With these points in mind, we would like to make specific recommendations for the elementary and secondary education bill which emerges from this Committee.

National Education Policy

In order to solve the problems we have outlined, we propose the following set of general principles as a guide for the reauthorization of elementary and secondary legislation.

A high quality education and equality of educational opportunity for all Americans is a primary goal of the National Education Association. That goal cannot be achieved unless the nation's public school systems are adequately supported financially by governments at the federal, state, and local levels. The federal government should assume the obligation of supporting one-third of the cost of public elementary and secondary education in the nation. Federal funds should be available to:

(1) assist with the cost of basic maintenance and operation of elementary and secondary schools;

(2) provide special assistance designed to meet the educational needs of educationally deprived students, handicapped students, students of limited English-speaking ability, and American Indian students;

(3) be used to solve educational problems which are of national or regional concern; and

(4) assist in improving the quality of American education by supporting research in the field of education and encouraging the development and adoption of improved educational methods, practices, and techniques.

Existing federal education programs, as they are renewed, should be examined in view of this goal of providing a high quality of education and equality of educational opportunity for all Americans. Those programs which lend themselves to achieving that goal should be expanded, while others should be modified, curtailed, or ended accordingly.

Maintenance and Operation of Schools

Under existing school financing arrangements, the major burden of maintenance and operation of public schools falls on local and state treasuries. The urgent need right now is a substantial program of general federal support. But the current pattern of federal aid to education is a complex scheme of categorical programs. Even though this specialized approach has had great merit and has achieved some success, unforeseen administrative problems have arisen at all levels of government. There is confusion and, in some cases, consternation with the complexity of federal aid and the failure of appropriations to achieve promises made in authorizing legislation. Some basic needs for assistance have not been addressed.

Except in the case of Impact Aid under Public Law 874, 81st Congress, existing federal education programs make no provision for assisting school districts with the maintenance and operation of elementary and secondary schools. Rising costs are outpacing the growth in revenues from traditional sources, resulting in greater difficulty in finding the funds necessary for everyday school operations.

At the same time, the federal government continues to fund special projects which are inadequate to meet the needs they are designed to meet and which place added burdens on the cost of operations at the local level. There has been no recent assessment of the continued need for the special projects and their effect on school operations.

Increased support is necessary for maintenance and operation of schools. This can be achieved by authorizing general aid which broadens the purposes for which funds can be spent at the local level. Special needs can still be met by adequate guarantees required as a precondition for receipt of maintenance and operation funds.

The multiplicity of existing programs, many of which have conflicting or duplicative purposes, confuses local educators and does not provide a means of adequate planning and development of a balanced educational program at the local level.

Existing legislation should be analyzed with a view toward simplification and clarification of general federal policy toward education and reducing the number of disparate programs. However, assurances must be made that in simplifing and consolidating existing programs, appropriations will be increased.

Teacher Training

The Congress first initiated Federal support for teacher training in 1958 with the National Defense Education Act. Since that time, numerous pieces of legislation have authorized teacher training. Looking back over the years a few trends can be discerned. Originally, Federal efforts were to provide training in specific subject matter areas - such as math and science - and then in areas targeted on specific populations - such as training teachers of the disadvantaged. These efforts were initiated in the context of teacher shortages and growing school enrollments.

In 1967, the Congress attempted to consolidate teacher training authorities into a single package - the Education Professions Development Act. No sooner had this consolidation been accomplished than specialized training authorities began to proliferate - in the Bilingual Education Act, the Environmental Education Act, and others.

Finally, last year the Education Professions Development Act was abolished and replaced by the Teacher Center authority. We believe that, even though the idea behind EPDA was good, all of us can agree that it was a failure.

During this whole period teacher training has been treated by the Congress as a "higher education" activity and looked upon from the view point of schools of education in institutions of higher education. Last year, with the authorization of assistance for Teacher Centers, the Congress for the first time recognized that the teachers themselves and local educational agencies should have a voice in deciding the scope and direction of training for teachers. The law requires that training be based upon an assessment of the educational needs of the children served.

The extent to which teacher training is a higher education activity should also be examined with a view toward improving graduate schools of education and improving teacher training at the undergraduate level.

There is a need for a complete revision of teacher training, starting with a survey of the educational needs of the children to be served and the needs of teachers if they are to serve those children. The time has come for training for the benefit of consumers.

Central to the consumers' approach is an understanding that there is no such thing as a "teacher surplus". Average class size in schools across the country is on the rise. There are more certified teachers than positions available; but this is only because school districts have cut down on available positions by reason of their financial difficulties - not because the children need fewer teachers. Declining enrollments in elementary and secondary schools should be treated as a great opportunity to improve the quality of education. Qualified teachers are a national resource to be used - not an employment problem.

This can be illustrated by looking at what could be done if there were enough teachers in classrooms to have individualized education plans for all children. Individualized education plans have long been advocated as an ideal for insuring that each child receive the instruction suited to his or her particular educational needs. This has never been possible because there were not enough teachers to bring down class size to a level where those plans were possible. We now have enough qualified teachers to do this. Why not take advantage of this opportunity?

In recent years, the Federal Government has provided special assistance to meet the special needs of a number of groups of children - handicapped children, children with limited Englishpeaking ability, Indian children, and children in schools in the rocess of integration. With the exception of the new Teacher enter program, there has been no movement toward creating a ingle mechanism to train teachers to serve in these areas of ational concern. Instead, a multitude of disparate, uncoordinated uthorities has been created, with no overall policies governing e whole.

We would suggest that, in lieu of the many existing teacher raining activities now being supported by the Federal Government, single flexible authority be created, under which there would be eriodic assessments of the needs of children and teachers and aining opportunities would be provided to meet those needs. at authority should be designed to respond quickly to priority eas and special educational problems as they arise.

tle I of ESEA

Those of us who worked on the original Title I in 1965 find difficult to believe that this is the program Congress intended authorize at that time. The program has become distorted from s original purpose. The reasons for this distortion are many -- e original law was ambiguous; the administrators sought to use tle I to effect "change"; some state educational agencies found tle I a vehicle to extend an unprecedented amount of control er local school districts; and insufficient appropriations to er the needs of all eligible children caused rules to be made arding which of those children are to be served.

It is our belief that the Congress is not so interested in the manner in which a particular federal dollar is spent as it is in the education of children. Yet, when we review the mountains of paper circulated each year, the reports and evaluations deal more with how dollars are being spent than with what is happening in the classroom. We heard statements from classroom teachers which indicated that the amount of paper work to satisfy administrative requirements under Title I sometimes averaged more than an hour per day -- time taken away from both the children and the teacher.

At the same time, this concern about federal dollars and who receive them is having unintended results in local schools across the country. There is a new category of school personnel - Title I teachers; Title I nurses; Title I counselors; Title I aides; and others. These school personnel can serve only children in particular schools. In the hearings of our Committee on Legislative Matters we heard evidence that a "Title I nurse" cannot take care of the needs of a child unless that child is a "Title I child" in a "target school." On the playground, a child can be injured but, if that child is not a "Title I child" the "Title I nurse" cannot treat the injury.

In those same hearings teachers testified that if funds from "Title I" are used to take children on a field trip, only "Title I children" are taken from the classroom. If they must travel any distance, they are placed on a bus. Then, if there is room on the bus for "other children", other children may ride - but some requlations require that these "other children" sit at the back of the bus. Funds for the field trip must be accounted for according to which children are "Title I children".

These distinctions among children are not only unnecessary work for teachers but are an invidious, arbitrary classification of children which amounts to discrimination detrimental to the well-being of all children.

In our opinion Title I must be amended to clarify its purpose and simplify its administration. We would suggest that the ambiguous phrase "educationally deprived children" - the meaning of which has never been agreed upon - be omitted and that it be made quite clear that Title I is to provide education suited to the needs of children from low-income families.

We further propose that applications under Title I cover a two-year period. This would cut application time and costs in half and free local resources for use in the instructional program. Most applications, as they are prepared now, show little change from year to year. This lack of change from year to year does not mean a lack of effort in application preparation. Rather it reflects the facts that schools, based on experience, know how they can best use the resources available through Title I and they know the value of program continuity. School populations are now relatively stable. Accurate projections of both enrollment and economic condition of children are now possible. In addition to saving resources and reducinq administrative costs, making the Title I Assistance application an every other year effort would allow the local school to evaluate the effectiveness of a full year program before getting into the reapplication process.

We recommend that the present methods of directing local school districts on how federal funds are to be used be abandoned and that new procedures be adopted. When a local educational agency applies for Federal funds it would include three items: (1) plan for an education program designed to meet the educational needs for all children in the school district who are from low-income families; (2) an assessment of the needs of those children which involves the participation of the parents and teachers of those children; and (3) a set of procedures designed to insure that the program actually serves those children.

In addition, we recommend that, unless the state legislature decides otherwise, grants be made directly to local applicants. The U.S. Commissioner should be authorized to delegate federal approval functions to the state educational agency if the State legislature intervenes.

The most significant change in Title I since its beginning has been the almost inadvertent development of the concept of target schools with school site plans and the complications attendant with that concept arising from comparability and the interpretation of the "anti-supplant" provisions of the law. We are proposing that there be a single district-wide plan for the education of all children from low-income families and that the plan be funded from whatever sources are available to the school district. A single district plan would not only eliminate wasteful duplication of effort at multiple target sites, but it would allow the district to use all the resources it has available, including Title I resources, to benefit children from low-income families. Current practice of identifying certain schools as Title I schools has perpetuated the concept that "poor neighborhoods" have "poor schools". This was certainly not the intent of Title I but it has happened and steps to change this concept should be taken. Further, no educational purpose has been served by having "Title I" and "non-Title I" schools in a single district. Such a distinction has been a barrier to district program planning in that it restricts the use of Title I funds to specific sites in spite of the fact that children who are to benefit from Title I services are generally found throughout the district. Many districts are making a real effort to overcome the problems of segregation, both racial segregation and economic segregation. In order to do this children are being placed in the most appropriate educational environment based upon the needs of individual children.

One of the major problems in the administration of Title I has been the timeliness of distributing funds. Long delays have been caused by the necessity of calculating the entitlements of the states for incentive grants under Part B of the state agency programs for the handicapped, neglected and delinquent children, and migrant children.

Since the amount of the incentive grants is so small that it does not act as an incentive to any state and since eligibility for those grants is so erratic that it is unpredictable, it does not appear to achieve its purpose. We recommend repeal of Part B of Title I.

With respect to the state agency programs, there appears to be no reason to make the allocation of funds to local educational agencies dependent upon the receipt of data relating to state agency entitlements. This could most easily be handled by providing for a separate appropriation for State agencies, allowing local allocations to be distributed while the necessary data is collected for state agency allocations.

Title IV - Consolidated Education Programs

When the Congress consolidated the various programs which now make up the consolidated education program under Title IV of ESEA, one of the primary purposes of that action was to reduce paper work and regulations and to provide greater flexibility at the state and local levels.

The consolidation has in some instances increased paper work and forms. There has been an almost constant complaint from the several constituencies having an interest in that program. The effect of this consolidation has been internal conflict within the education community for the first time in a decade. We cannot propose a total remedy under present circumstances. But certainly some of the difficulty could be alleviated with greatly increased appropriations.

There are now a number of proposals for further consolidation of education programs, none of which appear to overcome the problems we have had in the existing consolidation. We do favor the reduction and simplification of existing programs; but we are realistic enough to advance consolidation only when it holds reasonable promise of accomplishing its purposes.

First, consolidation must be accompanied by increased appropriations. Simply rearranging present funding levels causes disharmony, disrupts programs, and even leads to strife.

Second, we contend that the purposes of the programs consolidated and their results are more important than the manner in which federal dollars are spent. Would not it be simpler if funds paid to a school district were used as the district found necessary in return for a promise that the school district would maintain high quality libraries and adequate instructional equipment to meet the needs of the children in their schools?

Inordinate amounts of time and money are used following the federal dollar and reporting on how it was spent - yet very little has been told to Congress about the condition of school libraries, the adequacy of instructional equipment, or the availability of school counselors.

Impact Aid

During the past ten years, the program of School Assistance in Federally Affected Areas has come under increasing attack from a number of quarters. Those who have criticized that program generally have as an ultimate objective the abolition of the entire program, even though at present their stated objective is the repeal of section 3(b).

The critics have criticized the program as being inequitable, but they have not suggested ways of making it more nearly equitable.

The critics have recommended cutting so-called "Category B" funds without suggesting alternate means of raising revenues. The present and previous Administrations seem to have believed that we can cut $300 million from operating expenses of our schools without adverse results.

Our guess is that those who oppose Impact Aid are not so concerned with equity as they are with the fact that Impact Aid funds have no strings attached. Impact Aid funds cannot be used by the bureaucracy to tell local administrators and teachers how to operate schools.

Among school teachers across the country, Impact Aid is very popular because it is the nearest thing to the general form of federal aid that they advocate.

There are ways to improve the program. The tw[illegible] ifficulties most frequently mentioned are late payments by the [illegible]ce of Education and the problems of finding comparable sc[illegible] districts for computing the local contribution rate for school districts.

We would suggest that the U.S. Commissioner of Education be authorized to make payments on the basis of estimates and that the Office of Education be directed to make payments as early as possible on the basis of a school districts previous year's entitlement. In addition, we would suggest that the local contribution rate be computed on the basis of the state or national average per-pupil-expenditure rather than using the comparable school district method.

At the local level there are problems in dealing with State educational agencies regarding funds from entitlements based on children from low-rent public housing. The restriction on the use of those funds, requiring that they be used for projects for educationally deprived children, has, like Title I itself, been used by the Office of Education to distort the very language of the law to require State approval. We would recommend that any distinction between low-rent housing funds and other impact funds be deleted from the law.

In addition, the present payments system may not be fair to high impact districts with large numbers of military "B" children. The so-called tier II should be modified to include all payments for military "B" children, as well as "A" children.

The school construction program under Public Law 815 has languished in neglect during the last ten years. School construction needs generally have not been as great as in the past; however, this has not been the case in federally affected areas. We understand that there is a backlog of approved applications amounting to more than $500 million. Nothing has been done to reduce that backlog. Appropriations recently have tended to provide for temporary facilities under Section 9 and federally operated schools under Section 10 while providing only minimal amounts for the regular program under Sections 5 and 14.

In addition, funds have been diverted from the regular program to pay for disaster relief - with none being replaced from supplemented appropriations, as was the original intent of Congress in enacting the disaster provisions.

We would suggest amendments to P.L. 815 to establish priorities for funding approved applications and to insure that disaster relief payments are replaced.

In this connection, we would suggest that as long as education is financed primarily from local property taxes Impact Aid is justified on its own merits. If equalization of expenditures among local educational agencies from revenues other than property taxes can be accomplished, the rationale for Impact Aid would be lessened accordingly.

At the same time, the Impact Aid program offers a good precedent for our guidance in the administration of Federal assistance to education. It is efficient; it causes few administrative burdens; and it is cost effective in achieving its legislated purposes. If this Congress is to consider further consolidation of education programs, we recommend that Impact Aid, Title I of ESEA, and the existing consolidation be combined in the format of the Impact Aid program.

On the subject of Impact Aid, we would make one final statement: NEA stands squarely behind that program and will oppose any attempt to cut it down until an alternate means of supporting our schools and fulfilling Federal obligations in a more nearly equitable fashion has been developed and implemented.

Special Projects Act

With the creation of the Special Projects Act in 1974, the Congress created a special mechanism for starting new small programs designed to meet very specific education needs and at the same time review those small programs to determine which of them should be expanded into broader national programs, which to maintained, and which to be terminated.

The Special Projects Act has now run its first cycle. We recommend that the mechanism of that Act be left in place with an extension of the authorization through fiscal year 1982.

Of the programs now in the Special Projects mechanism, we suggest that the metric education and arts in education programs be retained, while career education, gifted and talented and women's equity in education programs should be separated out as broader programs. The same could be said of community education and consumers' education; however, we do not have enough information on these programs upon which a valid judgement can be based.

We would like to make special note of the Women's Educational Equity Act. The program authorized by that Act has proven its worth and merits expansion into a broader national program outside the confines of the Special Projects Act funding mechanism.

We now know, from development in its Special Projects stage, that the program can have a long-range effect on changing our approach to education.

Emergency School Aid

The NEA supports the extension of the Emergency School Aid Act as long as school systems need financial assistance to cover the immediate costs of integrating their schools.

Appropriations for this program have never reached the level authorized by the Congress when it was designed in 1972. Inadequate appropriations have resulted in a distortion of the program to the point that those who worked on putting it together would hardly recognize it today. By way of example, one of the major controversies over the original bill was the balancing and fine tuning of the various percentages of appropriations for the many activities authorized. When agreement was reached on the allocations of appropriations among the purposes of the bill most other disagreements were resolved. Yet the appropriations for emergency school aid have never followed the allocations specified in the law.

We urge the Committee to find a mechanism to guarantee funding at levels necessary to accomplish its various purposes.

We further recommend that the law be amended to authorize multi-year project funding, depending on the time necessary for a school district to achieve integration and overcome the need for emergency assistance.

Under multi-year funding, personnel would have time to get to know their materials before they began to teach with them. It would mean that they would know where they would be working in the Fall and would not be placed in a months-long limbo in regard to future employment. In some districts, a teacher is required to indicate intent to return for Fall as early as March 1st, but decisions concerning employment for the Fall cannot be made by the school board until it knows what funds will be available.

Indian Education

With the enactment of the Indian Education Act as part of the historic Education Amendments of 1972, the Congress took the first step in nearly forty years toward recognizing the Federal obligations to the education of Indian children and adults. The long-standing Federal policy in favor of assimilation of Indian children into white society and destroying their languages and cultures was at least brought to a halt.

Unfortunately, the changes envisioned in the Indian Education Act were severly hampered by the lack of enthusiasm of the Bureau of Indian Affairs for the program authorized by that Act, by placing appropriations for that Act is the same bill with appropriations for BIA, and by limiting those appropriations to the point that the Act was almost nullified.

There is a pressing need to examine the manner in which appropriations are enacted. Historically, it was thought the Subcommittee on Interior Appropriations should have jurisdiction over the appropriations process. At that time it may have been the best course to follow. However, we suggest that at this time the more appropriate committee would be the Labor-HEW Appropriations Subcommittee. This is not to indicate that the Interior Subcommittee has not given adequate attention to the program; we believe that the Labor-HEW Subcommittee is better equipped to deal with this funding question.

In our view the Office of Education has not given full attention to the Indian education program because its funding process is a different appropriation bill. OE has treated Indian Education as a step-child.

One of the outstanding provisions of this Act is the parental involvement in Part A of the Act. However, it has become increasing apparent that some local school districts are not assuming their responsibility for the education of Indian children. Thus we recommend that Indian parents be given a means of encouraging those school districts to apply for funds to which they are entitled and that the discouraging paper work be eliminated.

The special program and projects section under Part B of the Act has provided the Indian community with renewed hope of being able to control and design educational programs that assist their children. It may be appropriate to consider that there is some duplication of effort. For example, in the current law one of the criteria for receiving funds is a bilingual-bicultural project. We believe that such applications shouldbe funded under Title VII of ESEA, the Bilingual Education Act. It may be possible to consider a transfer of certain amounts of Title VII funds to the Office of Indian Education for this use. The authorization level for Part B should be increased.

Part C, adult education, should be amended to increase the authorization to $15 million for each year. There is evidence that many Indian adults are returning to pursue their educational opportunity.

We suggest that new sections be added to provide for grant in research in Indian education. It is true that agencies have funds available for research. However, the competition for such grants is keen and Indian education research is not always high on their funding priorities. The new language should reflect that the Office of Indian Education will ensure that such research would improve the quality of Indian education. We recommend that $7 million be authorized for the first year and $10 million for each succeeding year. In addition, we would suggest that teacher training be given adequate priority both in the area of in-service and pre-service levels.

The National Advisory Council on Indian Education should continue with some changes. This council in current law was mandated with certain responsibility that it has been unable to fulfill because no funds or staff have been assigned to carry out its mission. We recommend that the council's role be changed to carry out the national policy on Indian education.

Standardized Tests

There are two bills pending before this Committee which deal with standardized testing: H.R. 6776, which would use the Federal spending power to regulate and limit the use of standardized tests, and H.R. 6088 which would require the use of standardized tests and passing grades on such tests for all high school graduates.

Standardized testing has been the subject of considerable controversy for a number of years. A critical appraisal and revision of current testing programs is necessary. The introduction of these bills should encourage a review of testing procedures.

Since 1972, NEA has favored the elimination of group standardized intelligence, aptitude, and achievement tests until we know more about testing. During the past few years, the use of standardized tests has grown as a major determinant in the fields of education and employment. In general, standardized tests tend to be arbitrary and biased. They lack validity in measuring actual ability, skill, and competence.

We therefore are opposed to the provisions of H.R. 6088.

At the same time, we have long been opposed to federal control in the field of education. If H.R. 6776 were enacted, the federal government would be entering into, and dictating, educational practice. For this reason we cannot support the enactment of that bill. It would be preferable for educators and the testing industry to find an alternative for standardized tests without government regulation. It could be that federal regulation, in itself, would perpetuate testing of the type which ought to be discontinued.

nea
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TERRY HERNDON, Executive Director

AN ORGANIZATIONAL DESIGN

FOR

MIGRANT EDUCATION

BY THE

NATIONAL EDUCATION ASSOCIATION

PRESENTED BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY,

AND VOCATIONAL EDUCATION

OF THE

HOUSE COMMITTEE ON EDUCATION AND LABOR

BY

JOHN RYOR, PRESIDENT

NATIONAL EDUCATION ASSOCIATION

September 20, 1977

Mr. Chairman and members of the Committee, I am John Ryor, President of the National Education Association.

The purposes of the NEA, which represents about 1.8 million educators, are "to elevate the character and advance the interests of the profession of teaching and to promote the cause of education in the United States." Consequently, we are directly involved, through our members, with the education of migrant workers and their families. We are concerned that comprehensive education and equitable access to educational opportunities be provided to every migrant worker and child.

The NEA believes that the problems of migrant farmworkers can be solved and their lives and opportunities improved if the workers are assured of two fundamental rights. These are collective bargaining and education. Migrant workers must have the right to be represented in collective bargaining by an organization of their choice, and they must have the right of access to a wide range of educational opportunities.

The Problems

Mr. Chairman, history, in its peculiar twists and turns, has sentenced migrant farmworkers to a state of economic powerlessness. Today, their lives embrace the problems, conflicts, frustrations, and insensitivities that this nation faced generations ago on its way to prosperity.

Farmworkers, specifically migrant farmworkers, have traditionally been either excluded from, or at best only minimally included in, every major social and worker benefit program enacted into law. This practice of exclusion has created a migrant society outside the traditional and legal structure in America. As a result they do not have access to the normal channels for participating in or receiving the benefits from the system created to serve the citizenry. Further, this exclusion has also denied the migrant farmworker representation and an effective voice in the policy-making rooms of America.

The problem of the migrant farmworker include: low wages and seasonal work, unemployment and underemployment, limited coverage under labor and social legislation, job displacement caused by mechanization, critical health and housing needs, and little or no education.

NEA Commitment to Migrant Education

Mr. Chairman, the NEA Representative Assembly, the largest deliberative body in the world, affirmed its commitment to improve the lives of the nation's migrant farmworkers and their families by voting in 1969 to support legislation to ensure collective bargaining and education rights for migrant workers.

The NEA Board of Directors adopted a Program Plan for Migrant Farmworkers in May 1974. Designed to help the United Teaching Profession delineate its role and responsibility toward the education of migrant farmworkers' children and other migrant farmworker problems, the Program Plan set forth legislative, supportive, and coordinating strategies for Association involvement in migrant education. This involvement took the name, "NEA Migrant Project". Today, the Project consists of active thrusts to improve migrant education and ensure collective bargaining rights for migrant agricultural workers and work with state affiliates to institutionalize migrant farmworker programs at state and local levels.

The NEA Migrant Project has so far come up with two significant products and a defense of two important migrant programs: NEA's Migrant Project has developed "An Organizational Design for Migrant Education" which I will outline for the committee in the proposal section of my testimony. It has also helped establish nine Migrant Education Committees in NEA state affiliates in Arizona, California, Colorado, Florida, Michigan, New York, North Carolina, Texas, and Washington. In addition, NEA was directly involved in the effort to deter the U.S. Department of Labor from defunding/eliminating the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP). NEA recommended their transfer to the U.S. Department of Health, Education and Welfare. I will outline this issue further when I discuss legislative issues in migrant education.

Migrant Education

Congress is to be commended for its foresight and prudence in authorizing programs that will improve the education of migrant workers' children. Congressional action is most significant in light of the fact that the states have not assumed the leadership in migrant worker issues and have failed to provide funds for the special educational needs of the migrant workers and their families employed in the states. The programs authorized by Congress address the special needs of this highly mobile population and include: intrastate and interstate coordination between migrant education programs; use of the Migrant Student Record Transfer System (MSRTS) to transmit academic and health information between school districts and states and provide more accurate and adequate data on which to base funding for migrant education programs; and assurance that monies would be available for migrant education by the provision of a special "set aside" from the allocations to Title I of the Elementary and Secondary Education Act of 1965.

Migrant education has made a good start under the law with the guidance of the Migrant Branch of the U. S. Office of Education. However, it is imperative that Congress complete the construction of a comprehensive educational system for migrant worker families that it began in 1966 with the enactment of PL 89-750, amending PL 89-10 (ESEA). If a comprehensive educational system is not constructed, a valuable and promising program will deteriorate into another hoax for a much deceived group of American citizens.

Some Legislative Issues in Migrant Education

Mr. Chairman, at this point in my testimony, I will briefly describe some issues in migrant education that NEA wants

Congress to address.

(1) Current legislation provides funding for migrant children between the ages of 5 and 17 only. This says, in effect, to migrants: "Here is a key to equality - education. But you may open the door to only one-third of the education you will need."

(2) Current legislation does not ensure academic continuity between academic levels; i.e., from pre-school through post-secondary. This lack, combined with the permissive federal and state labor laws and the low wages of the migrant worker family, makes it next to impossible for a migrant youngster to aspire to get a high school diploma. Indeed, Mr. Chairman, the August 26, 1977 Data Base Status Report of the Migrant Student Record Transfer System shows that only 4,792 migrant students graduated from high school out of a total of 503,985 students in migrant education.

(3) The position of the Migrant Education Branch within the U.S. Office of Education limits its effectiveness and inhibits its leadership role. This is evidenced by the conflict between regular ESEA Title I programs which serve stable populations and migrant education serving highly mobile populations. Some regulations for regular ESEA Title I programs are inapplicable for the administration of migrant education programs. There is also a great difference between the funding and delivery of services to these two distinct populations which are both equally in need. Migrant education currently receives 100% of its funding

from ESEA Title I appropriations according to the Full-time Equivalency formula, but experiences delays in getting these funds. In addition, the current situation of migrant education makes it difficult to reallocate funds expeditiously to meet the crises inherent within the migrant life style.

(4) Current legislation does not provide any kind of advisory committee for the migrant education program at the national, state, or local level; and they do not provide for representation of teachers of migrant students. The proposed regulations for migrant education by the U.S. Office of Education include the establishment of such committees or councils at the state level. Migrant workers as well as the teachers of migrant students are not currently assured, therefore, of effective representation in the setting of policy and implementation of programs affecting them.

(5) Federal research and development monies are not available for discovering and developing innovative and promising migrant education programs and establishing them, with modifications, in other states. I am referring to such innovative and productive migrant programs as the California Mini-Corps (migrant teacher and health services training) and the Florida Learn-and-Earn (migrant vocational). Pilot projects on interstate credit exchange and basic math and reading skills information exchange were designed by the states to utilize the MSRTS; however, the Migrant Branch does not have discretionary funds to provide on-going technical assistance for development.

(6) Handicapped migrant children will be served for the first time through the enactment of PL 94-142, "The Education of All Handicapped Children Act of 1975," although they are not specifically mentioned in the law. The Migrant Branch of the U.S. Office of Education has the capability to reach these children who, in addition to their handicaps, are affected by language difference, transience, lack of knowledge of the school system, and cultural alienation.

(7) Current migrant education legislation does not reach all the children it should reach. While preschool children have been included in the migrant program since 1972, there are many migrant children who are below the preschool age. However, since day care and preschool aged migrant children do not qualify, by age definition, under the current Title I ESEA legislative language - ages 5 through 17 - they do not generate federal funds for migrant education programs. It seems logical to conclude, Mr. Chairman, that monies are being siphoned from other migrant education programs to maintain the preschool program.

(8) The orderly transition of the migrant student from the migrant education program to the regular Title I, ESEA, program is not definitively spelled out in the law. Legislation now in Congress to reduce the number of years, from five to two, that a child may be considered a migrant would also prevent a state from claiming such a child as a Full-time Equivalent for generating

funds for migrant education. This means that while full funding of the state migrant program would still be assured, the state allocation, in the event of insufficient appropriations, would be reduced.

(9) Migrant secondary education programs are grossly underdeveloped. The general disclaimer by migrant education for this condition is that older migrant children must work to help supplement the meager wages of their families. Two obstacles still exist to the full participation of older migrant students in migrant education. Migrant education does not accommodate its program to the work schedule of the student, the reward factor is not sufficient to replace the loss of income brought about by school attendance, and assurance of accumulation of credit toward a diploma or degree is not made. In addition, the administrative placement of the High School Equivalency Program (HEP) - as well as the College Assistance Migrant Program (CAMP) - currently authorized under the Comprehensive Employment Training Act (CETA) has not been agreed upon. The results of the study by the U.S. Department of Health, Education, and Welfare, authorized under PL 94-482, regarding the transfer of HEP and CAMP from the Department of Labor to HEW is long overdue.

(10) There are only two post-secondary migrant education programs. These are CAMP, currently funded by the Department of Labor from discretionary funds, and the California Mini-Corps, which is part of ESEA, Title I-Migrant. The number of migrant and ex-migrant

workers enrolled in these programs is extremely limited due to a lack of legislation and funding.

(11) The areas of vocational, career, and adult basic education for migrant farmworkers is not addressed in legislation.

Some NEA Proposals for Improving Migrant Education

As I stated before, Mr. Chairman, the NEA believes that the acquisition of education and use of collective bargaining by migrant workers will end the vicious cycle of migrant poverty by enabling migrant farmworkers to upgrade their conditions within the agricultural industry or preparing them for leaving the agrarian way of life.

The NEA also believes that migrant education is still in a developmental stage and that when it achieves its full potential, it will contribute not only to the migrant farmworker family but to the American population as a whole - which itself has strong mobility characteristics.

To this end, the NEA urges Congress to establish a truly national migrant education program that would provide national leadership in the areas of planning, funding, coordination, and evaluation. NEA believes that the long history of exclusion and deprivation requires that migrant education programs be kept together so that comprehensive and equitable systems will be developed to meet the multifaceted needs of migrant workers and their families.

An Organizational Design for a National Office of Migrant Education

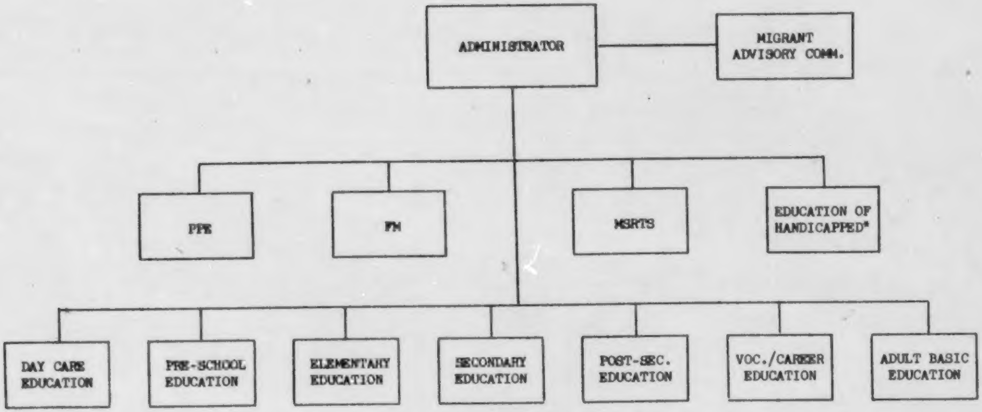
Mr. Chairman, NEA submits for your deliberation and consideration, "An Organizational Design for a National Office of Migrant Education." An organization chart for such an office is attached to my prepared testimony. I would like now to take a few minutes to discuss the NEA's organizational design.

In NEA's statement before the House Subcommittee on Agricultural Labor on December 5, 1975, the Association suggested that appropriate and reasonable changes be made to ensure direct input by migrant programs into the policy-making process. At that time, NEA suggested that the Migrant Education Branch have direct access to the U.S. Commissioner of Education. After having reviewed much of the literature and reports on migrant education and having spent hours and days discussing the subject with individuals involved at all levels of migrant education, the need for a National Office of Migrant Education began to emerge. The organizational design that I present today is the result of NEA dialogue with groups and individuals concerned with migrant education. I am certain that Congress will not disagree in the need for such a national office.

Administrator

A National Office for Migrant Education should be administered by an individual who has direct responsibility and access to the U.S.

ORGANIZATION CHART FOR MIGRANT EDUCATION


ADMINISTRATOR
MIGRANT ADVISORY COMM.
PPE
FM
MSRTS
EDUCATION OF HANDICAPPED*
DAY CARE EDUCATION
PRE-SCHOOL EDUCATION
ELEMENTARY EDUCATION
SECONDARY EDUCATION
POST-SEC. EDUCATION
VOC./CAREER EDUCATION
ADULT BASIC EDUCATION

*Integrated in all program components

PPE - Program Planning Evaluation
FM - Fiscal Management
MSRTS - Migrant Student Record Transfer System

Commissioner of Education. Such an improvement of the position migrant education in the administrative pecking order will hance its leadership role. It will also serve to eliminate y possibility of subordination of migrant education programs the equally important regular ESEA, Title I, programs.

Migrant Advisory Committee

NEA recommended, in its statement of December 5, 1975, the increased representation of migrant workers in the setting of policy and the implementation of migrant programs. Our statement also included a recommendation that teachers of migrant students be given similar privileges of representation.

I suggest in addition to current proposals to establish advisory committees at the state level that a National Migrant visory Committee be established and funded to work with the igrant education program at the national level. Membership or such a national committee should be drawn from parent dvisory councils and teachers of migrant students.

Program Planning and Evaluation.

A program planning and evaluation component would greatly improve the ability of a National Office of Migrant Education to provide leadership in developing and coordinating a national migrant program. Such a component would stimulate the replication, with modification, of existing model migrant programs; e.g., the California Mini-Corps and the Florida Learn-and-Earn.

It would also benefit pilot projects involving academic credit and skills information exchange that were developed to utilize the Migrant Student Record Transfer System (MSRTS).

NEA recommends that research and development monies be made available to migrant education at the federal level to discover and help develop other innovative and promising programs that have gone unnoticed due to the lack of resources and technical assistance.

Fiscal Management

Mr. Chairman, NEA believes that the groundwork is well on its way to completion and that the dream for a better future for migrant workers will become reality when Congress develops and approves a national administrative design for migrant education. The establishment of a National Office of Migrant Education will do more than assure that a comprehensive, coordinated, and continuous educational system for all migrant workers and their families will be realized. It promises correction of the critical problems of late funding, piecemeal approaches, and inability to shift funds quickly to areas experiencing a great increase in the numbers of migrant workers.

When the National Office for Migrant Education is adopted and becomes an administrative entity, it will require multiple funding under various laws. At least three methods may be used to fund such an office: (1) appropriations under the authorizing legislation; (2) funds generated from the consolidation of programs under the new office, such as day care and preschool; and (3) "set asides" from appropriations under other education legislation that will be transferred to the new office. The rationale for multiple funding is based upon the vast network constructed by the migrant education program for reaching the migrant worker family and upon the system, partially realized through the Migrant Student Record Transfer System (MSRTS), to tie together all state and local programs.

I wish to emphasize at this point, that all programs in migrant education should be funded as they are currently funded under Title I; i.e., each migrant program should receive 100% of its funds according to the Full-time Equivalency formula. Furthermore, NEA believes that every child enrolled in a migrant program should be eligible, under the Full-time Equivalency formula for generating funds for migrant education programs; and that states operating summer migrant programs and incurring extraordinary expenses should be eligible for special consideration.

Migrant Student Record Transfer System (MSRTS)

While the local classroom and the individual student and teacher are the essential elements of education, the whole country may be made a classroom for the migrant student through the Migrant Student Record Transfer System (MSRTS). When the potential of this system is realized, the teacher will know that his or her work will be a valuable segment in a national educational process for migrant workers.

The Migrant Student Record Transfer System (MSRTS) has made a good beginning in establishing a uniform national information system, but more needs to be accomplished before a maximum efficiency is achieved. Accurate, complete, and timely data must be analyzed, interpreted, reported, and fed into the decision-making apparatus of the migrant education program; and a Migrant Student Record Transfer System component must be available to assist state and local migrant programs with their information systems.

Education of the Handicapped

NEA believes that services to handicapped migrant children under PL 94-142 should be made available through the Migrant Branch of the U.S. Office of Education. This office has the capability, as previously mentioned, to reach migrant worker families. Therefore, PL 94-142 should "set aside" funds for the education of migrant handicapped children by the various program components of the National Office of Migrant Education.

Program Components.

NEA believes that migrant education will not progress much further without additional legislation and accompanying appropriations. Such legislation should be provided so that day care and preschool, elementary, post-secondary, handicapped, vocational, and adult basic education is available to migrant farmworkers. Each piece of legislation should contain the safeguards now assured for migrant education under ESEA, Title I.

(1) Day Care and Preschool. While migrant education does provide services to preschool age children to free their school age

brothers and sisters to attend school, and while it also provides services to about 40,000 migrant children from birth to age four, such programs need to be specifically authorized by Congress. Such authorizing legislation should specify that day care and preschool children qualify under the Full-time Equivalency formula.

(2) Elementary Education. NEA supports the continued development and expansion of the migrant elementary education program - the only segment of migrant education that approaches adequacy. The Association recommends that Congress retain the five-year migrant eligibility requirement and permit such children to generate funds under the formula. Further, we recommend that Congress provide definitive language to ensure the orderly transition of the migrant student from the migrant education program to the regular ESEA, Title I education program.

(3) Secondary Education. NEA hopes that the Congress will authorize legislation requiring that migrant education programs accommodate the student's work schedules, providing stipends to supplant the students' loss of income while they are in school, and ensuring that the students' attendance at school will help them earn credits toward diplomas and degrees. I suggest that Congress consider authorizing a study of programs and ideas in migrant secondary education.

Among the many programs that should be explored as realistic and national secondary education programs developed for migrant students are: (a) the pilot project between Texas and Washington for interstate transfer of academic credits; (b) the High School Equivalency Program; (c) the California Mini-Corps has designed a program which accommodates the work schedule of students. The design is based on the U.S. Department of Defense Overseas Dependent School Program for isolated overseas personnel. The Mini-Corps' Migrant Mobile High School, the design for which is attached for your review, provides an extended school program and the storage and transfer of academic assignments and credits by the Migrant Student Record Transfer System (MSRTS).

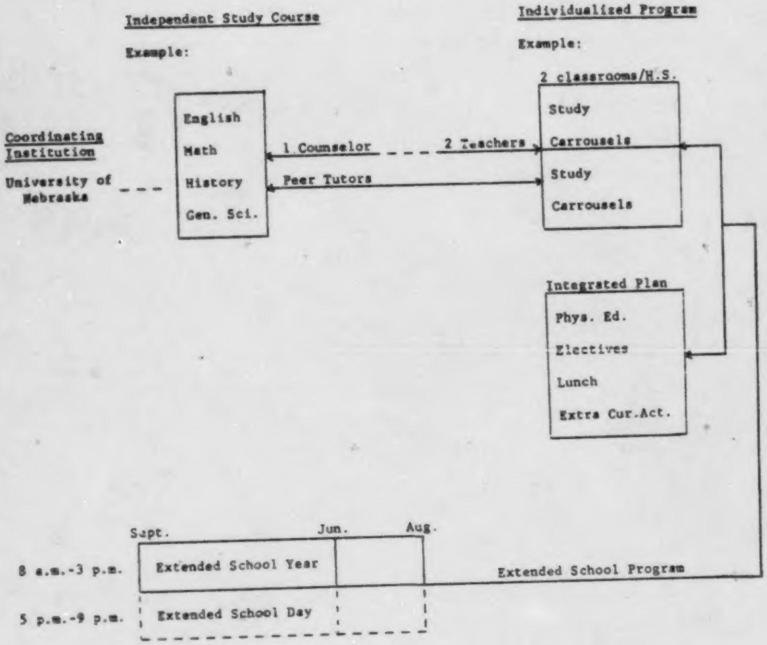
The possibility of constructing a national classroom system through the Migrant Student Record Transfer System (MSRTS) should also be explored.

(4) Post-Secondary Education. There is an urgent need for Congress to enact legislation in the area of post-secondary education if migrant programs are to reach significant numbers of workers. NEA suggests a program of grants and scholarships as well as Congresssional review of the College Assistance Migrant Program (CAMP) and the California Mini-Corps, the only two post-secondary education programs now in existence. I caution that the numbers of migrant and ex-migrant workers in these programs are extremely limited; the reasons for this are lack of legislation and lack of funds.

(5) Vocational, Career, and Adult Basic Education. Mr. Chairman, I began my presentation by discussing the need for comprehensive education legislation that will permit migrant workers to choose from a wide range of educational opportunities. While I am not prepared to address the areas of vocational, career, and adult

MIGRANT MOBIL HIGH SCHOOL

Design by
California Mini-Corps


Independent Study Course
Example:
Individualized Program
Example:
2 classrooms/H.S.
Coordinating Institution
University of Nebraska
English
Math
History
Gen. Sci.
1 Counselor
2 Teachers
Peer Tutors
Study
Carrousels
Study
Carrousels
Integrated Plan
Phys. Ed.
Electives
Lunch
Extra Cur.Act.
Sept.
Jun.
Aug.
8 a.m.-3 p.m.
Extended School Year
Extended School Program
5 p.m.-9 p.m.
Extended School Day

basic education in any detail, NEA believes that legislation for such programs will provide viable options for migrant workers. NEA urges Congress to enact legislation that specifies access to vocational, career, and adult basic education programs by migrant workers.

(6) Coordination. The NEA fully supports the requirements in migrant education legislation which call for state and local programs, interstate cooperation and interstate activities. However, we strongly recommend that Section D of paragraph 116-D.39, which reads, "the state program has been planned and will be operated in coordination with programs administered under Part B of Title III of the Equal Opportunity Act of 1964" be changed to read (D) "that the state program coordinate with other federal and state funded migrant farmworkers programs." In addition we strongly recommend that Congress provide similar language for coordination in the legislation of other migrant farmworker programs.

Conclusion

Mr. Chairman, I have outlined some of the administrative fiscal, and program changes that NEA considers must be authorized by Congress if migrant farmworkers and their families are to have access to the benefits of our society. We hope that Congress will establish a National Office for Migrant Education and provide the safeguards and funds necessary for making education programs and services available to this important group of American citizens.

Potomac. © 1977, The Washington Post

Sunday, August 7, 1977

Why Teachers Quit

by Constance Walker

illustrated by Susan Davis

They're mad as hell and they're not gonna take it anymore

When students drop out of school, society worries. Studies are made. Parents protest. Everyone wonders why such a thing should happen and what can be done about it. But, at least until recently, when a teacher has dropped out few people seem to have noticed or cared. Fewer still have tried to understand.

Now the situation—or at least society's consciousness of it—may be changing. A study released by the National Education Association last month revealed that experienced teachers are leaving the classroom in record numbers. There are only half as many with twenty years' experience as there were in 1961 and the decline has accelerated in the last five years. Though they are making more money than ever, they are clearly more dissatisfied than ever.

Things probably won't be getting better. Many who are currently teaching do not plan to stay in the profession until they retire; 37.5 per cent aren't sure they would teach if they had to start their careers over again.

But what the report does not show very clearly is why. Teachers are often reluctant to make waves, and when they resign they usually do it quietly. They often bury their motives, even give false ones, just in case they ever want to return to the classroom. In the last few months I have talked to several who quit, and even the angriest asked me not to use their real names. In return, however, they told me their real reasons for dropping out.

Carl's called "a damn good teacher" by his professional peers. He gets up at 6 a.m., drives twenty-five miles to his school in order to get there by 7:30 and be available for special instruction with any students who are having problems with his course.

After the last class Carl grabs a sandwich at a fast-food restaurant, gulps it down with a Coke and hurries to his evening job as a checker in a supermarket. Saturdays he works there all day. Sundays he tries to grade all his school papers, prepare a week's worth of lesson plans, catch up on sleep, and spend time with his wife and two children.

Last summer he worked with his brother-in-law in the construction business. But this year Carl won't have all the extra moonlighting—he quit teaching and is working full time as a carpenter.

Carl spent five years at a midwestern college getting his master's degree in history teaching. He thought, ten years ago, he would be one of the lucky ones—he would be doing something he really enjoyed, and he would be earning a good salary.

Carl now realizes history and personal economics just don't mix—it's one or the other and the money won out. He says it was a paradox—he chose to work in the best system in the area—the one with the most money to spend on education, and then he found out he couldn't earn enough money to live in that county. So, he rented an apartment in a neighboring county.

After six years of teaching Carl realized that the yearly raises weren't large enough even to let him buy a home in a nice neighborhood so he bought land in a rural area and is planning to build his own home someday.

Carl remembers the time he went to a party and met a salesman who was talking about low-income housing that was opening up in the county where he lived. The salesman said the houses were for people like "policemen, firemen and teachers." That's when Carl realized there was something wrong with the system where pay-off time was concerned. And, that's when he got his part-time job.

"I love working with kids," he says. "I like influencing them and I like teaching them that learning is rewarding, but you have to look at your own family. I spent a lot of time with other people's children and then I decided it was time to be with mine. It's a matter of priorities, and mine have to come first."

Carl says he's going to miss teaching—his colleagues say teaching is going to miss Carl.

"How'd you like to be handed a homework assignment of *Romeo and Juliet* with every other word so obscene it belonged on a bathroom wall? And, then be told by the administration that, what the heck, forget it because the writer was only a child. She's a ninth-grade student—not a child. She should be responsible."

Laura adamantly believes that something more should be taught in school than reading, writing and arithmetic. She says that unless someone tells the students and their parents that school is work—sometimes hard work—you're not teaching the students correctly. Someone has to tell the students that you never get something for nothing.

But, no, Laura says, the current mode is the let-me-entertain-you teacher. And she says that's not for her. She calls it "an extremely destructive form of romanticism," and she says she'll save her romanticism for the likes of John Donne and Sir Walter Scott. She makes it a point to tell you that no one said you necessarily have to enjoy school to learn from it.

That's why the obscene assignment was handed in to her, she says. It was the student's way of telling Laura that she doesn't like the way she's being treated at school.

When Laura took the assignment to her principal she was told that she should forget it, something she couldn't quite do, and so she made it plain that the girl owed her an apology.

The principal and the counselors and the parents of the girl didn't agree. Let her wait, they said; when the girl realised what she had done, she would be ready to apologize.

"Ready," fumed Laura, "she'll never be ready if this continues. Who's ever going to make that girl responsible?" Laura was told she was taking it too personally.

"Look," she says, "I'm not a prude. I consider myself modern, and I could have embarrassed that girl—made her blush in my class with my comments about her paper, but I didn't. It wouldn't have been right or proper.

"That's what this was all about," she says. Moral scruples on all sides. Propriety. But, there was no back-up from the administration, parents, anyone. And, frankly, she says, she didn't want this to become "just one more incident in the deterioration of discipline in the schools."

"Maybe," Laura says, "I was stuffy, but I could never compromise my own moral ideals. My job was to teach—theirs was to learn."

Less than a week after the incident, Laura resigned from the school system and teaching.

The lack of leadership within the administrative ranks irks a lot of teachers—many complain that the administration and school board put too many pressures on teachers in an attempt to go along with what they think the public wants.

"What backbone," Sally asks. "They're so afraid of what the parents are going to say they buckle down. You know, if a parent pushes hard enough he can get a failure changed to a passing grade without any trouble. Talk about grade inflation. How'd you like to be a student who's worked hard for a grade and know that any other student with a pushy parent can make the same grade?

"And, instead of the school board really sticking to its guns about costs for classes what they do is put a few more kids into each class.

"Maybe on paper two or three extra students in each class doesn't look like much but with five classes each day that's a minimum of ten extra papers to be graded and ten extra bodies to be taught. Any one of those two or three could be a problem and what happens to the other twenty-nine or thirty students? There's no way I can reach all those students, and to me teaching is inter-reaction between a student and a teacher.

"Some principals I've worked for are so afraid to stand up to anyone—parents, school administrators, the board, that they'll go to almost any length just to maintain the appearance that nothing is wrong in their school. They're willing to sacrifice standards of academic performance.

"They figure they have to look good to someone more powerful than they and so they push. Well, they pushed me out."

Sally doesn't have a job yet—she's just going to see what options are open to her. She says she has some savings in the bank and dipping into them makes sense to her just so she can leave teaching.

Verbal abuse isn't the only type of abuse heaped on the teachers—stories of students deliberately slugging a teacher are not uncommon. An elementary school teacher talks about "the three times I got punched—really punched."

"The worst one was when I was on the playground and a student, a big sixth-grader, started to hit another student. This kid practically beat up other smaller students routinely, but this was the first time I had actually seen it happen.

"I reached for the bully and he looked me in the eye, cursed me and then punched me—full face. You should have seen me.

I reported it to my principal and you know what she said—that they couldn't do anything about it and that I could call the police if I wanted to—that it was up to me. You bet I did and you know what happened . . . I became the trouble-maker.

"I got known as the one who went to the defense of other teachers and students in fights . . . I was the one who reported a child-abuse case. But I got tired of always rocking the boat. There was such extreme apathy in the school."

Terry left the system this year—she says she'll gladly work anywhere as long as it's not in a school.

"There's a void between what is supposed to happen in education and what really happens."

Lois came into the system with all sorts of ideas on how to teach students. Like a lot of teachers she became disillusioned when she realized that what she perceived teaching to be isn't necessarily what it's like in the classroom.

She picked a school system that was known for its advanced ideas and methods of teaching. The year she became a junior high school English teacher the system changed. Tracks—groupings of like students with the same capabilities—were dropped in favor of homogeneous groupings.

Lois says that was the beginning of the end for her teaching days. She stuck it out for four years and left this summer.

"Look," she says, "despite what they like to tell you, all that this has accomplished is that you've geared the classroom to the C-level student. The higher students get bored so you find other ways to keep them occupied . . . to try to teach them. You give them extra problems, individualized instruction.

"For the opposite end—the slower learners, I have to spend lunch hours—theirs and mine—before and after school, and in-between classes to try and get the kids to understand the work.

"It's not their fault—they should be in a basic-terminal class, a class that has no pretensions of trying to accomplish more than it's designed to—enough to teach them the fundamentals.

"So, what happens to the middle class? They see I'm busy with the other groups and they act up. Where am I then? I've lost it three ways."

Other teachers who have left the system say reputations of schools may not be justified. Those who choose a school because they've heard it fits into their concept of teaching may find that the school administrators actually have done a super-selling job of ideas that never materialized.

"You know," David says, "I really should have investigated more. I chose this school because they said it was an open school. But what they've really done is mix up every class and mix up the kids as well.

"We're supposed to emphasize individual teaching. I like that one-on-one basis. But when it comes to giving us the tools—extra books, field trips—that's where they draw the line.

"Then, they try and test the kids on a traditional basis. They use standardized testing to measure individual learning.

"This whole system—all the objectives, the guide plans, the department meetings—it's just a bunch of doubletalk."

David's negotiating with a firm as a salesman beginning in September.

Some teachers leave the system because they begin to get a boxed-in feeling. They don't like knowing that every day at the same time they will be in the classroom, locked in for fifty minutes until the changing bell rings, with no time for a cup of coffee, to go to the bathroom, or just to shake the cobwebs out of their heads.

Then, a ten-minute breather and it's back in front of a group of students, trying to teach them, knowing that their answers are the ones that count in the learning process. Knowing that they have to be sharp, attentive, and knowledgable.

"I didn't feel free to make my own decisions during the day. If I had to make a telephone call, I had to wait for a break. If someone wanted me—again, not until the break.

"You tell a lawyer or a salesperson or a housewife that they can only get a drink of water at a certain time and they'd look at you like you're crazy. But, that's what my life was like. I had to wait until a bell rang all the time. Everything is so regulated—there's no allowance for flexibility.

"Don't get me wrong—I liked my school. I never had any problems with the students or principals or teachers. But, I didn't like waking up with a cold and knowing I couldn't stay in bed until I found a substitute to take my classes.

"One of the best times I can ever recall was last September when I was driving to work and the radio announcer reminded the drivers to be careful—that it was the first day of school. And I hadn't even thought about it. What a tremendous feeling of relief—not to know that I was expected to be at my desk when a bell rang.

"What a tremendous feeling of freedom!"

Many teachers mention parents' attitudes when trying to deal with discipline in the schools. The parents, they say, are afraid to come right out and tell their children they have to do certain things.

Beth taught in an elementary school in a wealthy area until June. Her students, she says, were pampered by the parents, the administration and the principal. So the brunt of the problems fell on the classroom teacher.

"I used to call the parents if the kids acted up—or if they weren't in school. Then I found out two things—one, I was a babysitter for them, and two, these kids took vacations whenever their parents pleased. I was told it was good for the child's development to be allowed to go on country-wide or overseas vacations with their parents.

"Never mind that I was trying to teach their children how to read and write—they felt it was important that their kids learn to ski in Switzerland.

"Then, when I really made an issue about the students not handing in an assignment or not really working in a class, the parent usually said to me, 'I can't get him to do anything at home, either.'

"Well, there was this one girl—she gave me a note from her mother saying she was allowed to do something during the day—like helping to decorate the halls or something like that. I said to her, look, I've got an important lesson today and you don't know it and you won't learn it if you're not here.

"The girl said her parents said she could miss it, and I just decided then and there—no, there has got to be a limit. I told the girl I wouldn't excuse her—she had to stay for the lesson.

"You know what. She never even made a fuss. In her own way she wanted some limits and I gave them to her."

There is a resentment among many teachers of efforts to redesign courses as if they had to be marketed to the students.

"Horticulture, for Heaven's sake," exclaims an eight-year math teacher in a high school. "What for? What's wrong with a basic science course? I'll tell you—students aren't taking science anymore. They're not interested in putting in the time so the science department comes up with a course that's definitely blatantly appealing to the kid. It's a way of saying to them you don't have to study so hard—this course is fun. And then what they don't tell you is that sure, the kids get a grade for it—probably a good grade—but that that grade doesn't do them one bit of good when applying for college.

"Or, take psychology. That's offered by the history department because history is too dull and no one is taking it anymore. The students want to be able to find themselves and know what makes them tick. Great, but good Lord! some of these kids succumbing to the attractive courses can't even read or write. How are they expected to comprehend psychology?"

"Colleges are waking up, though. They're going back to the required courses and I figure it'll take a few years before the high schools recognize it.

"But I'm not waiting around for it to happen—I can't stand to see what's happening to education."

Part of the disillusionment of the teaching profession comes when teachers realize there is no reward system . . . no classroom at the top. Despite the unions that plug for cost-of-living raises and tenures, school teachers have no concrete way of knowing they're doing a good, fair, or poor job. Everyone gets the same raise at the same time each year.

Everyone moves up the scale at the same time, they say. There's no competition and there's nothing to compete for in terms of rewards or incentives.

The only place you can move to is to the administrative level and that's not what all teachers want. Most say they want to remain as teachers—they want to stay in the classroom, but the classroom has nowhere to hang certificates of excellence, if there were such things.

You might be judged the best teacher in the system, but there wouldn't be any internal or monetary rewards. Try such a system in private industry, they say, and see how fast you lose an employee.

But, with declining enrollments and a surplus of teachers available in all jurisdictions, something is being imported from the business world: a cut-throat attitude. It's a growing trend, teachers say, and it's getting worse.

"You're called in to the department head's office and asked to defend the premise that you should retain your job," says a ten-year veteran of the system. "They're asking us to tell them why we should stay and another teacher, your friend, should be sent packing.

"They're pitting you against your fellow teacher and I can't take that. We've become embroiled in the most ruthless aspect of the corporate system.

"And, you can see the changes it's made among the teachers. Two years ago when someone had developed a particularly good lesson plan they were eager to share it because it helped all the students. We had a good department—most of the departments here at my school are good—and we really thought of teaching in terms of the student first.

"Now, there's much less sharing. Why should there be? If you have a good plan it's a way of keeping your job in the department.

"No thanks. I saw this trend away from the humanistic approach and I made my decision this would be my last year of teaching."

Several teachers cited a lack of understanding of special programs as a reason for leaving. The teachers involved all found the realm of special education challenging and most put in extra time learning different skills in order to teach.

But, they say, some principals don't understand the programs, some set up roadblocks for the teachers, and some, frankly, want to eliminate the classes from their schools.

The teachers say it results in a huge waste of talent.

Ben spent five years at night school learning how to teach students with IQs over 140—the truly gifted children. Now, because the principal is dealing in numbers of classroom teachers and because Ben's methods are working for his fast students, his principal wants to shift him back into the regular classroom. He was told "anyone can teach that class." And anyone will, because Ben wrote his resignation effective this summer.

Graham is a math specialist in a hard-core problem school. He says frankly he's a black man teaching black students and he's getting through to them. He thinks it's important that they relate to him, especially the young boys because "where they're coming from there aren't too many adult male figures in their lives."

Graham's class became a dumping ground for all kinds of problem students—so finally he said no more babysitting—he was trying to teach.

"Man, that principal said you either do this or else. I took the 'or else' and left. No way I'm going to get through to my kids when the principal doesn't respect the class or me or what I'm doing."

Lisa had a class of retarded students. She enjoyed teaching them, but she left the school system last year, although she still refers to "my children" as though she were one collective parent.

"When I got them to do something—when one of them learned a new word—that was a trip." But, she says, "the principal didn't really want those kids in his school—and when it came time to give me a rating he kept giving me these low ratings.

"I finally asked him what the problem was—my students were learning, they loved me, I loved them, I was getting through to them, the parents liked me and there were no complaints and all he could tell me was that I was still too young—too new. I know it was just an excuse to get rid of me because he just wasn't comfortable with my ways of teaching my children.

"Well, they got an older teacher in there and when I see my children now I could cry. But I couldn't take that attitude of looking down on me—that father-child relationship he tried to playact with me. That principal really thought he was God!"

In most cases the reasons for a teacher leaving the system are complex, mingling the teachers' general dissatisfaction with the school system and the way they're being asked to teach.

Usually one or two negative reactions can be held in check, but when the reasons begin to multiply, going in any random order from lack of discipline to breakdowns in administrative functions, to increased class size, economics, and pressures from outside the classroom, the teachers begin looking around for new careers and new professions.

As teachers drop out and schools lose some of their best people, educators fear they will reach a point where students are exposed to first-year teachers at every grade level. Many people think newer is better, but in education that's not necessarily true.

Experience, they say, is really the best teacher. ■

nea
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NEA POLICY ON

FEDERAL AID TO EDUCATION

Approved by NEA Board of Directors

May 7, 1977

FINANCING ELEMENTARY AND SECONDARY EDUCATION: THE FEDERAL ROLE

Present projections on the cost of public elementary and secondary education by fiscal year 1981 indicate that more than $80 billion will be necessary if the present level of services is to be continued. Recent court decisions regarding equality of educational opportunity for handicapped and economically disadvantaged children will, when implemented, add greater expenses for elementary and secondary schools which at this time cannot be estimated. State and local revenues, based on existing forms of taxation and current share of the total cost, are likely to fall short of the minimum amounts necessary by more than $15 billion.

The National Education Association has, as a matter of long-standing policy, favored increased federal contributions for public education--to the extent that the federal government should pay one-third of the total cost. With the deficiencies in state and local revenues expected in the next several years, it is imperative that the Congress move quickly to put into place a mechanism which can both pick up the shortfall between increased costs of education and expected revenues and improve the quality of education generally.

The future of federal aid must be viewed from the present status of federal education programs. Whatever mechanism is designed for the future must necessarily be built on the groundwork laid thus far.

Existing federal programs are specialized or categorical in nature and constitute a complex maze of federal policies with no central theme, design, or principle. Almost all existing elementary and secondary education programs will expire with fiscal year 1978, before which time the Congress is expected to review existing law and examine the larger question of financing elementary and secondary education.

In this context the NEA is -

(1) developing criteria for renewal of the Elementary and Secondary Education Act of 1965; and

(2) at the same time, evaluating existing categorical programs, with a view toward identifying those programs which should be continued, sustained, expanded, or curtailed as the Congress moves toward more general aid at a level approaching one-third funding.

In order to carry out those two objectives a statement of criteria has been developed. The statement of criteria to be used by the National Education Association in taking positions regarding elementary and secondary education programs during 1977 and 1978 is designed to provide guidance in handling the multitude of issues which will naturally arise from that process.

It should be noted that the existing forms of federal aid for elementary and secondary education are the result of slow but steady building of program upon program by the Congress over the opposition of the executive branch of the government except for the period from 1964 through 1967. During those years the executive and legislative branches cooperated in enacting the Elementary and Secondary Education Act of 1965. During the past eight years, increases in education funding have been achieved primarily by overriding vetoes. Numerous attempts by the Nixon Administration to dismantle the structure of federal aid were defeated.

For this reason both the Congress and the education community have regarded education as an area of Congressional prerogative and look at outside suggestions for major changes with suspicion. At present levels of funding any major changes in existing law would face almost impossible opposition. Until there is a massive increase in the levels of funding, existing programs will probably stay almost as they are.

With this in mind, the criteria were developed on the assumption that, by 1981, there will be a massive increase of funds for education and that the new levels will be at least four times present levels of funding.

This assumption is not without foundation. Lack of revenues will cause more school closings across the country. By 1979, education will become a major issue nationally--an issue preceding the 1980 elections and one with which the Administration will have to deal. These criteria should place NEA in a position to influence the manner in which the Administration and the Congress deal with the coming problems in education.

This is a preliminary paper based on available information. An assessment of elementary and secondary education programs is now being conducted. The results of that assessment will enable the committees to bring this paper into final form.

This paper is intended to provide examples as to how certain of those criteria can be applied to existing programs in order to achieve NEA objectives. Since the 1978 review will focus on elementary and secondary programs and since the recent revision of the Vocational Education Act has no track record to be evaluated, vocational education is not included among these examples. (In addition, the new vocational education law may well cause a shift in funds from secondary to postsecondary education, in which case it would be beyond the purview of this paper.)

School construction under Public Law 815, 81st Congress is not considered since it has been of minor significance in the past and has little relationship to the programs subject to this review.

I. ADEQUACY AND EQUITY OF FEDERAL SUPPORT FOR EDUCATION

With the enactment of the Education Amendments of 1974, the Congress -

(1) recognized that the nation's economic, political, and social security require a well-educated citizenry;

(2) reaffirmed, as a matter of high priority, the nation's goal of equal educational opportunity; and

(3) declared it to be the policy of the United States that every citizen is entitled to an education to meet his or her potential without financial barriers.

The Congress has yet to take any substantial action toward fulfilling that commitment. At no time have the educational systems provided education to meet that commitment. In order to do so our present offerings in education would have to be improved considerably. The sources of revenue to support public education are not adequate to maintain a continuance of the present level of education; and present sources of revenue are not increasing at a rate to support the increased costs of maintaining that level. The Congress in the next few years will be faced with this problem as no Congress has since the period of the 1950's and the early 1960's.

A. Federal Support for Education

A high quality education and equality of educational opportunity for all Americans is a primary goal of the National Education Association. That goal cannot be achieved unless the nation's public school systems are adequately supported financially by governments at the federal, state, and local levels. The federal government should assume the obligation of supporting one-third of the cost of public elementary and secondary education in the nation. That support should -

(1) assist with the cost of basic maintenance and operation of elementary and secondary schools;

(2) provide special assistance designed to meet the educational needs of educationally deprived students, handicapped students, students of limited English-speaking ability, and American Indian students;

(3) be used to solve educational problems which are of national or regional concern; and

(4) assist in improving the quality of American education by supporting research in the field of education and encouraging the development and adoption of improved educational methods, practices, and techniques.

CRITERION I.A.

EXISTING FEDERAL EDUCATION PROGRAMS, AS THEY ARE RENEWED, SHOULD BE EXAMINED IN VIEW OF THIS GOAL OF PROVIDING A HIGH QUALITY OF EDUCATION AND EQUALITY OF EDUCATIONAL OPPORTUNITY FOR ALL AMERICANS. THOSE PROGRAMS WHICH LEND THEMSELVES TO ACHIEVING THAT GOAL SHOULD BE EXPANDED, WHILE OTHERS SHOULD BE MODIFIED, CURTAILED, OR ENDED ACCORDINGLY.

COMMENT

The four categories of support can be described more briefly as: (1) General Support; (2) Special Assistance; (3) Special Programs and Projects; and (4) Educational Research, Development, and Training.

In order to evaluate existing programs under this criterion, those programs can be broken down to fall within the four categories as follows:

(1) General Support

Two existing programs may be classified as general support programs: Impact Aid under Public Law 874, 81st Congress; and the consolidated education programs under Title IV of the Elementary and Secondary Education Act of 1965, as added in 1974.

Impact Aid is designed to assist with the maintenance and operation of school districts educating federally connected children, based on the number of such children and the local cost of education.

The consolidated education program does have limitations on the purposes for which funds may be used (library resources, equipment, guidance and counseling, innovation, strengthening state and local educational agencies, etc.). However, the purposes are so many and broad that Title IV funds may be used for almost anything.

The appropriation levels for these programs are as follows:

(in millions of dollars)

Program	*FY 1976*	*FY 1977*
Impact Aid	*$750.3*	*$768.0*
Consolidated Programs	*331.8*	*348.3*
Total	*1,082.1*	*1,116.3*

(2) Special Assistance

The special assistance programs deal primarily with special educational problems of national scope, such as educationally deprived children, handicapped children, children of limited English-speaking ability, etc. These programs are those authorized by Title I of ESEA, the Education of the Handicapped Act, the Bilingual Education Act, the Indian Education Act, and the Emergency School Assistance Act. These programs serve very specialized populations and except in the case of Title I, have highly vocal constituencies which could successfully resist consolidation efforts.

Title I of ESEA may be classified as either a general support program or a special assistance program. As originally designed it could have been general aid for school districts serving large numbers of children from low-income families. (It was an amendment to, designed after, the Impact Aid law.) However, subsequent legislative changes and administrative guidelines have turned the program into special projects and, therefore, it has become highly specialized.

The appropriation levels for these programs are as follows:

(in millions of dollars)

Program	FY 1976	FY 1977
Title I	$2,050.0	$2,285.0
Bilingual Education	99.0	117.8
Handicapped	326.4	467.8
Indian Education	57.0	43.0
Emergency School Aid	271.7	274.7
Total	2,804.1	3,188.0

(3) Special Programs and Projects

Special Programs and Projects are frequently highly specialized problem solving programs. Their number is almost myriad, many of which have great merit, some of which are of limited usefulness. Most of them were intended to be temporary programs. It is among these programs that Congressional interest is visible and strong.

In 1974, the Congress attempted to establish a mechanism for creating and terminating special projects by passing the Special Projects Act. Under that Act, new programs could be authorized to meet particular needs and then the programs would terminate after three or four years, assuming the special needs had been met. These programs and their appropriations levels are as follows:

(in millions of dollars)

Program	FY 1976	FY 1977
Reading Programs	$23.8	$26.0
Follow Through	59.0	59.0
Drug Abuse	2.0	2.0
Environmental Education	3.0	3.5
Ethnic Heritage Studies	1.8	2.3
Metric Education	2.1	2.1
Gifted and Talented	2.6	2.6
Community Schools	3.5	3.5
Career Education	10.1	10.1
Consumer Education	3.1	3.1
Women's Educational Equity	6.3	7.3
Arts in Education	.8	1.8
Packaging and Field Testing	1.4	10.0
Educational TV Programming	7.0	7.0
TOTAL	126.6	140.3

(4) Educational Research, Development, and Training

This category contains educational research and development under the National Institute of Education and teacher training under the Teacher Corps and the newly authorized Teacher Centers in the Office of Education. In addition, surveys and studies carried out by the National Center for Education Statistics would be classified with this category.

Inherent in all of these activities is the necessity of disseminating information as an educational activity.

This category is not neat and is complicated by the fact that there are training and dissemination authorities, as well as research, connected with many of the programs which otherwise fall into the previous three categories.

The appropriation levels for these activities are as follows:

(in millions of dollars)

Activity	FY 1976	FY 1977
NIE	$70.0	$70.0
Teacher Corps	37.5	37.5
Teacher Centers	(newly authorized)	
National Center for Education Statistics	13.0	12.0
TOTAL	120.5	119.5

Summary

Existing programs considered in light of the goals set out in criterion I.A. do present the groundwork upon which a program of one-third federal funding can be built. Within these categories programs can be expanded, consolidated, and refined, but always with a view toward a planned and carefully developed approach toward achieving that goal.

The following is a summary of the appropriation levels for the four categories:

Category	FY 1976	FY 1977
General Support	1,082.1	1,116.3
Special Assistance	2,804.1	3,188.0
Special Programs	126.5	140.3
Research, Development, and Training	120.5	119.5
	4,133.2	4,564.1

Assuming that the one-third funding level will be about $30 billion by 1980, the increase in federal spending for education must increase by more than $25 billion. In working toward that goal, the policy of a balanced approach set out in Criterion I.A. must serve as a guiding principle. Where among the four categories should the increases be allocated? How should programs within the categories be modified to accommodate increased funding? What new authorities should be added to achieve that goal? Which among existing authorities would no longer be necessary? These questions involve a number of conflicting issues which the succeeding criteria are designed to address.

B. Equity in Educational Finance

Present methods of financing public elementary and secondary education are both inadequate to meet existing and future needs and inequitable in allocating funds within the states and among the states. Equality of educational opportunity cannot be achieved unless the finance methods used have that goal as a purpose.

Many public education systems rely almost entirely upon the property tax as a source of revenue. The value of property and the ability to pay taxes thereon bears little if any relationship with the ability to pay for educational services or the relative need for those services. This undue reliance upon local property taxes as a source of revenue for education makes revenues available with little or no relationship with educational needs and, at the same time, causes financial hardship on retired persons with fixed incomes who do not generally have children in elementary and secondary schools.

The states are making inadequate efforts in equalizing revenues among school districts. The federal government has been unreliable as a source for financing education.

CRITERION I.B.

FEDERAL ASSISTANCE TO ENCOURAGE THE STATES TO EQUALIZE REVENUES AMONG SCHOOL DISTRICTS SHOULD BE EXPANDED, AND SHOULD INCLUDE FEDERAL PARTICIPATION IN STATE EQUALIZATION PROGRAMS WHICH MOVE AWAY FROM PROPERTY TAXES AS A PRIMARY SOURCE OF EDUCATION REVENUES. DISTRIBUTION FORMULAE IN EXISTING AND FUTURE PROGRAMS SHOULD NOT BE INCONSISTENT WITH THIS CONCEPT OF EQUITY.

COMMENT

Criterion I.B. raises fundamental questions regarding both the method of financing education and the distribution of funds among educational agencies--questions which have not been given serious consideration by the federal government.

Present methods of financing public elementary and secondary education are both inadequate to meet existing and future needs and inequitable within the states and among the states. The goals and programs underlying criterion I.B. cannot be carried out under present methods of financing education. Equality of educational opportunity is directly related to equity in finance.

Most states still rely upon local revenues to provide more than half of the cost of education. Concommitant with the one-third federal funding concept is an increase in state aid to education, thereby avoiding undue reliance upon property taxes as the primary source of education finance. Property taxes by definition are inequitable as sources of revenue for education.

(1) General Support

This is the area where equity in educational finance requires a new program: aid to the states to assist them in carrying out state aid equalization programs which move away from reliance upon property taxes as a primary source of revenue for education.

The Congress has appropriated $13.5 million for assisting the states in developing state equalization plans. The next step is assistance with funding equalization plans. The two existing programs in the General Support category neither assist nor deter equalization at present; however, to the extent equalization moves away from local property tax, the rationale behind impact aid diminishes and that program would have to be adjusted accordingly.

If the programs in the General Support and Special Assistance categories are to any degree consolidated with increased appropriations, the finance equity implications of that program would be significant. Any such proposal must be reviewed on the basis of those implications.

(2) Special Assistance

The special costs arising from the needs that the Special Assistance programs are designed to meet have a direct impact on equity in educational finance. These extra costs exist and must be paid without regard for the relative financial resources of a school district. The populations having the needs these programs are designed to meet appear to be concentrated in the very school districts having the least resources. Therefore, the federal government and state aid programs assisted by the federal government should be designed to pick up the added cost of special education programs.

(3) Special Programs and Projects

The programs in this category have little significance in school finance equity.

(4) Research, Development, and Training

Research, Development, and Training can be useful both in finding alternate sources of revenue and in more efficient use of existing funds. NIE should be directed to increase its work in the field of education finance.

II. NATURE AND CONTENT OF EDUCATION PROGRAMS

The existing pattern of federal aid to education is a complex scheme of specialized programs designed to meet specific federal obligations and special educational problems. Even though the specialized approach used by the Congress has had great merit and has achieved some success, unforeseen administrative problems have arisen at all levels of government. There is confusion and, in some cases, consternation with the complexity of federal aid and the failure of appropriations to achieve promises made in authorizing legislation. Some basic needs for assistance have not been addressed.

A. Support for Maintenance and Operation of Schools

Except in the case of Impact Aid under Public Law 874, 81st Congress, existing federal education programs make no provision for assisting school districts with the maintenance and operation of elementary and secondary schools. Rising costs are outpacing the growth in revenues from traditional sources resulting in greater difficulty in finding the funds necessary for everyday school operations.

At the same time, the federal government continues to fund special projects which are inadequate to meet the needs they are designed to meet and which place added burdens on the cost of operations at the local level. There has been no recent assessment with respect to the continued need for the special projects and their effect on school operations.

CRITERION II.A.

INCREASED SUPPORT IS NECESSARY FOR MAINTENANCE AND OPERATION OF SCHOOLS. THIS CAN BE ACHIEVED BY INCREASING APPROPRIATIONS AND BROADENING THE PURPOSES FOR WHICH FUNDS CAN BE SPENT AT THE LOCAL LEVEL. SPECIAL NEEDS CAN STILL BE MET BY ADEQUATE GUARANTEES REQUIRED AS A PRECONDITION FOR RECEIPT OF MAINTENANCE AND OPERATION FUNDS.

COMMENT

Criterion II.A. is intended to address the fact that the cost of operating schools exceeds the resources available at the state and local levels under present financing mechanisms. In addition, this criterion raises a question respecting the fact that the Congress has generally avoided the problem of the cost of school operations by limiting federal aid to specialized areas.

(1) General Support

The programs in this category would be most easily adaptable for providing maintenance and operation funds if they were funded at the levels authorized by law.

In the case of Impact Aid, the appropriation levels have not met the entitlement level for almost a decade. If the entitlements were funded fully, as they were during the first 15 years of the program, the financial problems of heavily impacted school districts would be greatly alleviated.

The consolidated education program still has limitations on the uses of funds which prevent supporting operating expenses. Again, with adequate levels of funding, the purposes of the consolidated program could be achieved while, at the same time, flexibility for operating expenses could be allowed.

Federal assistance both to local school districts and for state equalization programs is the best means of providing for maintenance and operation of schools. In addition to a new program of state assistance, a program of direct grants to local school districts is needed.

(2) Special Assistance

The Special Assistance programs could be used to assist with normal operating costs by a policy requiring the federal government to pay for the high costs of providing special education for handicapped children, children of limited English-speaking ability, or native American children, thus freeing other funds available to school districts for normal operating expenses.

The problem with using this method of assistance as the major thrust in federal aid is that these programs entail huge administrative costs and endless paperwork. Title I is the best example of that problem. For this reason, *federal assumption of the cost of Special Assistance programs as a means of freeing local funds for school operations should be rejected.*

Title I could be reclassified as a General Support program and used for operating expenses. However, the special educational needs of educationally deprived children must still be met, so more money would be required. The real problem with the administration of Title I lies in the level of funding.

At present Title I projects are available for the participation of less than half the number of children counted under the formula. Even those children who are participating receive unequal, uneven, and spotty services. The obligation of schools to provide educational services suited to the educational needs of children applies to educationally deprived children as well as all other children. It is probable that, by confining Title I funds to individual projects, deprived children who might otherwise receive special services do not receive those services. All children in need of special services should receive them whether or not they reside in a Title I project area.

An alternative to the present approach is to guarantee funding at the level required by the allocation formula, relax the project requirements, and, as a precondition to the receipt of federal funds, require the states to guarantee educational opportunities for educationally deprived children suited to their educational needs.

The increased costs of transportation to comply with desegregation orders have caused some school districts severe financial problems which result in the reduction of local spending for instructional purposes. Desegregation is a broader problem than that of education; even so, education has had to shoulder the entire cost of overcoming problems caused beyond its scope of authority.

The use of funds available to local governments to alleviate the costs of desegregation should be encouraged, thereby spreading those costs over all those units of government responsible for segregation rather than treating segregation as solely an education problem.

B. Multiplicity of Existing Programs

The multiplicity of existing programs, many of which have conflicting or duplicative purposes, confuse local educators and do not provide a means for adequate planning and development of a balanced educational program at the local level.

CRITERION II.B.

EXISTING LEGISLATION SHOULD BE ANALYZED WITH A VIEW TOWARD SIMPLIFICATION AND CLARIFICATION OF GENERAL FEDERAL POLICY TOWARD EDUCATION AND REDUCING THE NUMBER OF DISPARATE PROGRAMS.

COMMENT

(1) General Support

An expanded program of aid for operating expenses should include a consolidation of programs in this category plus Title I of ESEA from the Special Assistance category. Any program of General Support must have a relative need factor in its distribution formula. The count of children from low-income families is probably the best means of measuring relative need among local school districts.

Under this scheme Impact Aid, the consolidated education program, and Title I would be brought together with the new authority of assistance to the states for equalization programs as follows:

(1) Each school district would be entitled to a grant equalling the sum of --

(a) its total average daily attendance multiplied by a percentage of the average per-pupil expenditure in the state for the second preceding year;

(b) its number of federally connected children ("a" children and "b" children as is appropriate) multiplied by its local contribution rate; and

(c) its number of children from low-income families multiplied by a percentage of the average per-pupil expenditure in that state for the second preceding year.

(2) Each state with a qualified state equalization plan would be entitled to a grant amounting to a percentage of the cost of carrying out that plan.

(2) Special Assistance

The Special Assistance programs, other than Title I, should be maintained as distinct programs.

(3) Special Programs and Projects

The greatest need for simplication is in the Special Programs and Projects category. This would be best accomplished by repealing the authorities for all of the discrete programs and replacing them with a single flexible authority similar to the Special Projects Act, which provides a mechanism for initiating programs to solve special problems quickly without specific authorizing legislation. At the same time Congress would retain control through a veto process and the appropriation process.

(4) Educational Research, Development, and Training

The Education Research, Development, and Training category is relatively simple. It could be improved by placing all of the research and development in the Education Division under NIE and all of the studies and surveys under the NCES.

C. Disparity Between Authorizations and Appropriations

One of the great disappointments in federal aid to education has been the great disparity between the level of funds authorized for education programs and the level of appropriations provided by the Congress to fund those programs. The adverse effect of this disparity is greater than the insufficiency of funds. That disparity has affected the scope and manner in which education programs are to be administered. Programs designed to serve an entire area of need are funded at levels not even approaching that need level with the result that these programs must be cut down administratively with additional rules and regulations regarding the allocation of scarce resources.

Inadequacy of appropriations causes disappointment and inequities at the local level--unintended by the Congress in authorizing those appropriations.

CRITERION II.C.

APPROPRIATIONS FOR AUTHORIZED PROGRAMS SHOULD BE AT A LEVEL HIGH ENOUGH TO CARRY THEM OUT IN THE MANNER IN WHICH THEY WERE DESIGNED. IF APPROPRIATIONS ARE NOT LIKELY FOR A NEW PROGRAM, THEN IT OUGHT NOT BE AUTHORIZED UNTIL THE APPROPRIATIONS ARE AVAILABLE.

COMMENT

The general program described above can only be accomplished if appropriations are at the level authorized. The proposal outlined would have to be funded as follows:

(I) General Support

(A) Grants to School Districts	
(i) general	*$8.4 billion*
(ii) federally connected children	*1.3 billion*
(iii) low-income	*5.3 billion*
(B) Grants for equalization	*5.0 billion*
TOTAL	*$20.0 billion*

(2) Special Assistance	*$ 8 billion*
(3) and (4) Special Programs, Education Research, Development, and Training	*2 billion*
TOTAL	*$30 billion*

Short of the figures used above, a substantial increase in appropriations for existing programs would definitely improve the administration and effectiveness of those programs. Within present authorizations, the programs in the General Support and Special Assistance Categories could use appropriations in excess of $8 billion effectively. Systematic annual increases in appropriations for those programs are consistent with, and necessary to achieve, the goal of one-third federal funding.

D. Training for Teachers

Inherent in meeting the needs of children with special educational needs, in solving educational problems, and in improving the quality of education is insuring that our teachers have adequate in-service training and professional development opportunities. Too often the federal government has initiated education programs without insuring that there would be adequate educational personnel to carry out those programs.

CRITERION II.D.

IN REVIEWING EXISTING EDUCATION PROGRAMS AND IN INITIATING ANY NEW PROGRAMS DESIGNED FOR SPECIAL PURPOSES, ADEQUATE PROVISION FOR TRAINING PERSONNEL FOR CARRYING OUT THE PROGRAM MUST BE INSURED.

COMMENT

Criterion II.D. relates specifically to programs in the Special Assistance, Special Programs and Projects, and Educational Research, Development, and Training categories.

Only in the case of the education of the handicapped has the federal government carried out a comprehensive, balanced approach to meet a special education need. Provisions are made for training teachers for handicapped children; research, development, and dissemination in the field of special education; special centers and demonstrations in that field; and instructional media.

The model of the Education of the Handicapped Act, as far as form and format are concerned, is one which could be used in almost every area.

As an alternative, a flexible program of training support activities should be developed with respect to each activity assisted under those categories. This could be accomplished by creating a teacher training assessment and program authority which responds quickly to federal priority areas and special educational needs as they arise. That authority should provide for training through the Office of Education in support of specific federal programs and for training for the improvement of education generally through the National Institute of Education.

In this connection, if the administrative agency is given too much discretion in this area, Congressional mistrust develops. Therefore, a mechanism with flexible agency authority and adequate Congressional control must be developed, possibly similar to the Special Projects Act.

III. ADMINISTRATION OF EDUCATION PROGRAMS

Proper and efficient administration of education programs has not been given adequate attention. Too often it is assumed that when a law is enacted, the administrators at the federal and state level will take such steps as are necessary to implement the law. This has not been the case. It sometimes appears that administrators have agendae of their own which may or may not be consistent with the purpose of the programs for which they have responsibility. Failure to oversee the administration of education programs has led to unintended and sometimes unknown policies contrary to those of the Congress.

A. The Role of State Agencies

Since 1965, federal education programs have placed an ever increasing authority for education policy in state education agencies. In many instances the growth of state bureaucracies and the increased power in those agencies has been accrued at the expense of local school districts. Even though education has traditionally been treated as a state function, most state legislatures have placed primary legal authority for education at the local level. The federal government has given so much money and power to state agencies that some can operate almost independent of state budgets, and some have achieved greater authority over local school districts than could have been achieved through their state legislatures.

CRITERION III.A.

THE FEDERAL GOVERNMENT SHOULD BE NEUTRAL RESPECTING THE RELATIONSHIP BETWEEN STATE AND LOCAL EDUCATIONAL AGENCIES. WHENEVER POSSIBLE, FEDERAL FUNDS SHOULD BE MADE AVAILABLE DIRECTLY TO LOCAL SCHOOL DISTRICTS WITH STATE LEGISLATURES DECIDING THE DEGREE TO WHICH THERE SHOULD BE STATE AGENCY PARTICIPATION. THIS WOULD MAKE FEDERAL PAYMENTS FOR ADMINISTRATIVE EXPENSES UNNECESSARY.

COMMENT

All programs in the General Support and Special Assistance categories should be in the form of direct grants to local educational agencies. Assistance to the states for state equalization programs should be administered in accordance with state law. However, all federal funds, plus state funds in the state programs, should be allocated to the local level and decisions with respect to their expenditure should be made at the local level.

Federal law should permit the states to decide by state law to give authority to state agencies respecting the conduct of local educational agencies.

However, expenses connected with state administration of federal assistance to local educational agencies should not be compensated by the federal government even if there are state laws giving state agencies authority in federal programs.

State educational agencies do have an educational role as service agencies and leadership agencies; and, as such, they may merit support. Federal programs should not give those agencies regulatory functions. Federal aid intended for services to children in local schools should go directly to local educational agencies and aid to state educational agencies, if any, should be directed toward their service and leadership functions.

B. Over-Regulation and Paper Work

Existing law and administrative practices at both the federal and state levels place so many requirements on local educators that many question whether the federal money is worth all of the paper work necessary to receive it.

CRITERION III.B.

IN REVIEWING EXISTING PROGRAMS, ONLY THOSE STATUTORY REQUIREMENTS WHICH ARE NECESSARY TO ENSURE THAT FEDERAL FUNDS ARE SPENT FOR THE PURPOSE FOR WHICH THEY ARE APPROPRIATED SHOULD BE RETAINED. REGULATIONS SHOULD BE KEPT AT THE MINIMUM LEVEL NECESSARY TO ACHIEVE THE INTENT OF CONGRESS. ADMINISTRATIVE PRACTICES AT THE FEDERAL AND STATE LEVELS WHICH INCREASE ADMINISTRATIVE COSTS AND PAPER WORK AT THE LOCAL LEVEL SHOULD BE PROHIBITED.

COMMENT

Existing law, because it is designed to achieve very specialized purposes with very limited funds, requires evaluations, record keeping, and extensive application procedures. In addition, because those limited funds are very specifically focused on special populations, complicated allocation and reporting procedures are required.

Administrative practices developed by both the Office of Education and state educational agencies have increased and compounded procedures and paperwork at the local level.

(1) General Support

Regulations and paperwork are the least problem when programs are general in nature. Impact Aid requires less paperwork than any other program. On the other hand, the consolidated education program is completely overloaded with *regulations and record keeping requirements. This is because the consolidated program retains, by law, all of the requirements of the five antecedent programs and then compounds the problem with additional new rules.*

The problem could be eliminated by abolishing the vestiges of the old programs and retaining only those provisions of law necessary to insure that funds were expended in accordance with law.

(2) Special Assistance

Title I and the Education of the Handicapped Act are probably the most complicated and paper ridden of the existing programs. These requirements are designed to insure that the children participating are given the service intended, and they arise from mistrust on the part of legislators of educators and administrators. This situation will always be the case when programs are designed for specific populations.

If legislators were shown the problems caused by detailed legal requirements and if educators dispel the distrust these laws could be simplified considerably.

(3) Special Programs and Projects

The programs in this category do not have the extensive legal paperwork requirements. However, because of their multitude the application and competition requirements are extensive.

The laws authorizing these programs should be modified to provide for a single, simple application which could be used for one, two, or all of the programs in the category.

CONCLUSION

The program implications of the adoption of the criteria described herein may be summarized.

- If the goal of one-third federal funding is achieved, two categories of federal aid would be consolidated:

  (1) the General Support programs (plus Title I of ESEA) would be combined into a single program, costing about $15 billion, for maintenance and operation of elementary and secondary schools; and

  (2) the multitude of programs in the Special Programs and Projects category would be replaced with a single new flexible authority designed for educational problem solving.

  In addition, two new programs or authorities would be needed:

  (1) Assistance for state aid equalization plans, costing about $5 billion; and

  (2) a mechanism for training teachers to meet new or emergency needs in education quickly.

  Finally, the Special Assistance and Research, Development, and Training programs should be continued and expanded without much alteration of existing law other than the reduction of unnecessary administration, regulations, and paperwork.

- Short of the actual achievement of the goal of one-third funding, the consolidation of the General Support programs would probably be both unwise and politically impractical. However, substantial increases in appropriations for General Support and Special Assistance programs are possible. In that case, simplification of administration of those programs and a reduction of regulations and paperwork will still be policies to be encouraged.

The policies embodied in these criteria would, if implemented as a whole, achieve the goals of the NEA. But the piece-by-piece adoption of those policies would make substantial progress toward achieving those goals over a period of time.

APPENDIX I

SHORT DESCRIPTIONS OF EDUCATION PROGRAMS IN THE "GENERAL SUPPORT" AND "SPECIAL ASSISTANCE" CATEGORIES

(1) General Support

(a) Impact Aid (for maintenance and operation)

This program has a longer history than any other education program except Aid to Land Grant Colleges and Vocational Education. It is designed to reimburse local education agencies for loss of taxes from federal ownership of real property in their school districts and to compensate them for the additional burden imposed on them for the education of federally connected children.

Each local education agency has an entitlement to a payment of funds based on the number of federally connected children and a formula designed to determine the local cost of education. Payments are made directly by the federal government to the local education agency. The funds may be used for maintenance and operation of the schools of that agency.

(b) Consolidated Education Program

This program represents the first major attempt by Congress to consolidate existing programs. It is a combination of Titles III (instructional equipment) and V (guidance and counseling) of NDEA and Titles II (library resources), III (supplementary services and centers), and V (strengthening state departments of education) of ESEA. Funds may be spent for any activity authorized under any of the programs consolidated. Funds are granted to state education agencies under a state plan, which then either spend the money themselves or distribute the money to local education agencies.

(2) Special Assistance

(a) Title I of the Elementary and Secondary Education Act of 1965 is the largest program of assistance to elementary and secondary schools. Each local education agency is granted an amount based on a formula which computes the number of children from low-income families and average per-pupil expenditure. These funds must be expended to support special programs and projects designed to meet the special educational needs of educationally deprived children. Federal payments are made to state education agencies which receive and approve applications from local education agencies. The state makes payments to locals on the basis of approved applications.

In addition to the main program, Title I authorizes a program of incentive grants to the states, and grants to the states for the education of handicapped children, migrant children, and neglected and delinquent children.

(b) Bilingual Education Act (Title VII of ESEA) was originally designed to encourage education in the languages spoken by children of limited English-speaking ability and to encourage the states to permit instruction in languages other than English. Funds appropriated under the Act may be used for bilingual instruction programs and for training teachers for participation in bilingual education programs.

Applications by local education agencies are made to the U.S. Commissioner of Education through state education agencies. The law leaves the actual formula for distributing bilingual money to the Commissioner to formulate.

(c) The Education of the Handicapped Act authorized a comprehensive program of grants to the states, research and development, teacher training, and special projects for the education of handicapped children.

(d) The Indian Education Act authorizes a program of grants to local education agencies, grants for special projects, teacher training, and adult education for native Americans.

(e) Emergency School Assistance Act authorizes grants for special projects designed to assist with problems arising from desegregation of schools.

Mr. **Blouin**. In the interest of time, we are going to take the remaining witnesses this morning en bloc as a panel. I would like all of you to come forward and summarize your testimony as briefly as humanly possible. If there are no objections, your entire statement will be submitted for the record.

Mr. Walter Turner, Associate Director, American Association of School Administrators, accompanied by Mr. William Lucas, Assistant Superintendent of the Los Angeles Unified School District; the Counsel of the Great City Schools, Mr. Thomas Rosica, Director of Federal Programs, Philadelphia City Schools; Ms. Sarah Haskins, Vice President of the Board of Education of Dallas; and Dr. Owen Kiernan, Executive Director, National Association of Secondary School Principals.

If you folks would have no objections, I think it would be just as simple for you to start in the order that you are seated, from my left to right. Identify yourselves and then feel free to briefly summarize your statement.

STATEMENT OF WALTER G. TURNER, ASSOCIATE DIRECTOR, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS, ACCOMPANIED BY WILLIAM R. LUCAS, ASSISTANT SUPERINTENDENT, LOS ANGELES UNIFIED SCHOOL DISTRICT

Mr. **Turner**. Mr. Chairman, I am Walter Turner, Associate Director of the American Association of School Administrators, representing nearly 20,000 administrators throughout the nation. Accompanying me is Mr. Lucas, Assistant Superintendent of the L.A. City Schools, in Los Angeles, California.

We appreciate the opportunity to present our comments on reauthorization of certain elementary and secondary and other educational programs under H.R. 15. The Congress should be commended for approving a one-year extension of forward funded programs in order to allow more extensive discussion of thes issues.

AASA believes there is an urgent need to increase the level c Federal financial support for public education. Adequate suppor should be provided to equalize programs which will guarantee ever student an equal opportunity for quality education. With the beginning of committee deliberation on H.R. 15 we would like to focus o several programs before you.

[The statement of Mr. Turner follows:]

AASA

American Association of School Administrators

STATEMENT ON BEHALF

OF THE

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

Before the

Subcommittee on Elementary and Secondary Education

of the

House Education and Labor Committee

Concerning

HR 15

Elementary and Secondary Education Act of 1977

Submitted by

Dr. Walter G. Turner, Associate Director
American Association of School Administrators

accompanied by

Dr. William L. Lucas, Assistant Superintendent
Los Angeles Unified School District, Los Angeles, California

September 20, 1977

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Mr. Chairman, I am Walter G. Turner, Associate Director of the American Association of School Administrators (AASA), representing nearly 20,000 school superintendents across the nation. Accompanying me is William L. Lucas, Assistant Superintendent, Los Angeles City Unified School District, Los Angeles, California.

We appreciate the opportunity to present our comments on reauthorization of certain elementary, secondary and other education programs (HR 15). The Congress should be commended for approving the one-year extension of forward funded programs in order to allow more extensive discussion of these issues.

AASA believes that there is an urgent need to increase the level of federal financial support for public education. Adequate support should be provided to equalize programs which will guarantee every student an equal opportunity for quality education. With the beginning of Committee deliberation on HR 15 we would like to focus on several programs before you.

With respect to Title I, AASA feels that any major changes in the eligibility criteria for funds to disadvantaged students should be very carefully reviewed. Any shifting of eligibility criteria could have a major impact on program services at the local level, particularly in the large urban school districts which depend heavily on these funds. If the criteria are realigned, we would recommend a very gradual process.

One specific aspect of Title I that AASA recommends for the committee's consideration is the lifting of mobility restrictions on the targeting of Title I funds. These funds should be permitted to follow the child where Title I participants are moved to non-Title I schools as a result of desegregation. It would be unfortunate for a child to lose program services as a result of efforts to achieve racial equality in the schools.

In regard to Title VII programs, AASA urges more support to meet the increased needs for bilingual education, including teacher training and curriculum development. In addition, an effort should be made to provide assistance to more foreign language speaking groups than those presently served.

Career education is another program supported by AASA. Demonstration projects have proven that there is a need to move toward a comprehensive education program and we feel that the time has come to expand this idea into a fully operational program.

As you are aware, school districts throughout the country are suffering from spiraling costs for educational goods and services, as well as other difficult financial problems. Reduction of any federal funds for impact aid would impose an additional -- possibly backbreaking -- budgetary load on those school districts relying heavily on federal funds to make up for lost revenues from federal workers.

As the actual language evolves on various programs in HR 15, we would welcome the opportunity to solicit input from our membership and provide our findings to the committee. Because the number of programs under ESEA are so numerous, we would like to briefly mention several which our membership has previously endorsed.

It is felt that school districts preparing to desegregate should be eligible for ESAA funds, as well as those currently in the desegregation process.

Recognizing the increased levels of skill development required for full functional literacy, AASA continues to place the highest priority on Right to Read programs, with special emphasis on the needs of individuals.

AASA views learning as a life long process and urges schools, as well as the Congress, to vigorously pursue avenues that foster continuing learning and/or retraining, wherever needed, for all citizens.

Many other programs to assist children, such as Title IV, are integral parts of local educational programs and need the continued support of Congress. As the committee considers funding provisions under this reauthorization legislation, we want to bring to your attention AASA's support both for general aid and for categorical aid to identifiable educational needs.

AASA has brought forward today some of the issues that concern our membership. This statement should not be considered to be all-inclusive.

Mr. Lucas would now like to address some of the programs as they apply to the local school districts. Following his remarks, we will both be happy to respond to questions from the committee.

Mr. **Turner**. At this time, I would like to introduce Dr. Lucas, who will introduce some of the programs.

Mr. **Lucas**. In the interest of time, Mr. Chairman, I would just describe maybe the era that we are in now in public education, and compare that with what we were in when the programs were started in the mid-sixties.

I would remind the committee and staff that we are in an era of declining enrollment, and that costs do not diminish in proportion to the enrollment losses.

We are in an era of mandates that do affect local school districts. We have court-ordered desegregation plans. We have the *Lau* v. *Nichols* decision. We have the Federal law for the handicapped, 94-142, and we have equalization programs that are attempting to be passed through state legislatures ala *Serrano* v. *Priest*.

I think we are all aware, coming from local districts, as Congressmen do, that it is a unique event when a school district passes a local levy increase. Following the adage that control goes along with the purse strings, we are well aware of the diminishment of local support as the Federal Government and the state increase their proportion of the total cost.

With that in mind, we would hope that the committee would take into account the need for teacher training in bilingual education. Local school districts have just about depleated the supply of bilingual teachers that are available.

In Los Angeles, we have been active in promoting a program in our high schools whereby bilingual students will go into the state universities, state colleges, go into teacher training, and come out a bilingual teacher.

But, we are competing with other fields. We find some of these teachers, future teachers, start their career and then they are recruited by the dental association, medical field, whereby a person graduated from college can make maybe 50 to 100 percent more by entering those fields than the teaching field.

LEAs are confronted with a battery of regulations since 1965. States have gone into the area of compensatory education. California was alluded to in the last testimony.

We do have a compensatory education program. We have an early childhood program. We have a State bilingual program, a State reading program, a State program for the gifted, all with their following regulations.

It is very difficult to bring about a mix in terms of complying with these regulations when you have the Federal Government with their necessary regulations.

Consideration in this respect should be given to multi-year planning whereby, for instance, we might have a minimum of a three-year program, with annual updates, thus cutting back on the amount of paperwork and the staff necessary in preparing the annual needs assessment, the annual application, the annual budgets and so forth.

In the interest of time, I would conclude my remarks with that.

STATEMENT OF THOMAS ROSICA, EXECUTIVE DIRECTOR, FEDERAL PROGRAMS, PHILADELPHIA CITY SCHOOLS

Mr. **Rosica**. I am Executive Director of Federal Programs in the school district of Philadelphia. I am representing the recommendations of the Council of the Great City Schools. We have with us in the room representatives from the 26 largest school districts in the country.

You have before you our testimony. I would just like to highlight some of our recommendations.

[The statement follows:]

THE COUNCIL OF THE GREAT CITY SCHOOLS

Testimony on Re-authorization of

the Elementary and Secondary Education Act

presented to

the Elementary and Secondary Education Subcommittee
of the U.S. House of Representatives

September 20, 1977

The Council of Great City Schools welcomes this opportunity to present testimony on ESEA re-authorization. We shall limit our oral presentation this morning to brief remarks on Title I, Impact Aid, and desegregation assistance.

We should like to additionally submit for the hearing record a background statement on the fiscal and educational conditions in our member districts and the role of the Federal government in urban public education. This statement is drawn from the Council's policy platform, which has been developed by the superintendents and board members of our member districts.

Before proceeding to our specific program recommendations, I should like to cite five broad policy objectives set by the Council's Board of Directors, regarding the Federal role in elementary and secondary education:

1. Direct aid to urban school systems in fiscal distress must be available from the Federal government when state

and local resources are exhausted.

2. Programs which help economically, physically, and educationally disadvantaged children to succeed must be given top national priority.

3. The funding patterns for compensatory, bilingual, and desegregation programs, including extra services for handicapped students, must clearly reflect the unusually high numbers and concentrations of students eligible to participate in such programs in urban school systems.

4. Bilingual and desegregation aid should be elevated in national priority from competitive grant to entitlement programs, with aid to school systems based on the number of students who need extra services; and

5. Federal education programs should be funded

at the maximum levels and funds should be provided one year in advance of program implementation.

Now to our specific program recommendations. We begin with Title I, the major source of aid for compensatory services to children growing up in circumstances of poverty.

(Title I) The current formula for allocating funds under Title I incorporates no cost of living factor, counts less than two-thirds of the children from AFDC families, and limits the per pupil expenditure factor to an amount well below the costs realized by many urban school systems. As a result, a number of urban school districts are still receiving allocations which fail to mirror the extremely high numbers, and steadily growing proportions, of students from low-income families. High rates of inflation, measured to be as much as 30% in some areas over the past several years, are further contributing to an inability by urban districts to serve increased numbers of eligible children, in spite of year-to-year increases in the total national appropriation. Some school systems are even being forced to reduce their program levels and cut down on the number of Title I participants from one year to the next. The attached charts show striking discrepancies between the rise in numbers of poverty children in urban areas and the actual allocations of Title I funds over the past several years. The number of children below the 1970 poverty line has jumped by 20% in Council member districts since 1970, and is still rising (see Chart #1). Title I allocations to these same districts, however, peaked in 1974, and in 1977 were $23 million less than the total of three years earlier. Chart #2 displays the drastic difference resulting from the 1974 formula changes: Council cities received an estimated $143 million less in 1975 than they could have expected under the previous method of counting low-income children. Charts 3 and 4 express the shrinking proportion of AFDC children eligible to be counted for Title I entitlement. As the AFDC poverty line ascends, the number of children to be counted over the line nationwide is plummeting: from nearly 700,000 in 1975 to an estimated 375,000 in 1979.

In Chicago, for example, the number of participating children has shrunk from over 55,000 in 1975 to just over 42,000 in 1977, a loss of 13,000 students. During the same period, however, the number of children eligible to participate, which has always far exceeded the number served, has swollen from 223,000 to 261,000. While city-wide enrollment has declined, the number of AFDC children has grown by over 9,000 over the past three years. Currently, 44% of Chicago's schoolchildren are from low-income families.

Chicago is not alone in these circumstances: New York, San Francisco, Cleveland, Philadelphia, and numerous other urban systems are experiencing severe program shortages in the face of rising concentrations of low-income children and persistent inflation.

Lean funding also means that Title I services can rarely be extended to students once they leave the elementary grades. Junior and senior high students continue to need compensatory help, but generally must be excluded from programs. Furthermore, students at all levels often lose the effect of school-year training over the summer months, but extensive summer programs to maintain achievement levels remain a luxury not affordable by most school systems.

The Council makes the following recommendations regarding Title I funding:

First, Title I should be funded at the maximum authorized level. Only with full funding can Title I programs be developed in the quantity needed and with the quality required to reach all eligible children and to significantly aid those children.

Second, all AFDC children should be counted to determine entitlement. The Title I formula now permits only two-thirds of the children residing in families receiving AFDC payments in excess of the poverty amount to be counted for entitlement purposes. A full count would allow for a more accurate reflection of the large and increasing numbers of welfare children served by the big city schools. In addition, the AFDC count is the formula's only proxy measure for the high cost of living in the nation's urban areas.

Third, the poverty level used for counting low-income children should also be used for counting AFDC children. Each year, the level which an AFDC family's income must exceed for entitlement purposes rises. As a result, there is a steady decline in the numbers of AFDC persons the cities can count, even though the actual numbers of AFDC persons are growing. The growing discrepancy between the 1970 poverty level used for counting poverty children and the annually up-dated poverty level used for counting AFDC children reduces the pool from which the large cities can draw children for their Title I formula counts.

Fourth, if there should be a substantial increase in the annual appropriation for Title I, then a significant portion of the amount of increase should flow to school systems with large numbers and/or heavy concentrations of low-income students. The funds could be used 1) to increase services for all educationally disadvantaged children in Title I schools with exceptionally high concentrations of poverty children, 2) to expand services to eligible but unserved schools, and 3) where all Title I eligible schools are fully served, to expand services to remaining schools with high concentrations of low-income students.

The Council has also addressed the issue of comparability requirements--those criteria which must be satisfied in order to assure that Title I schools receive at least the same level of local and state resources as do non-Title I schools within a school district. We suggest four changes which would tailor the comparability measures more carefully to administrative realities while remaining consistent with the intent of comparability.

First, a single annual comparability assessment should replace the semi-annual reports now required. Also, the December 1 deadline for achieving comparability should be extended to January 1. In large school systems, day-to-day shifts of personnel among school buildings make it impossible to maintain a specific standard of personnel distribution on a daily basis, and to achieve the desired balance by December 1 without excessive pressures on administrative and teaching staff. The current fall and spring assessment procedures require staff shifts which disrupt programs and do not necessarily produce a greater guarantee of resource equity.

Second, except where conflicts with state statutes might occur, staff/pupil ratios should be used instead of financial measures to determine equitable resource distribution among school buildings. Per pupil costs are primarily dependent upon staff salaries, which reflect seniority and advanced degrees but may or may not be directly related to quality of educational services. The number of staff per pupil, including teacher aides, guidance counselors, and others, is held by Council members to be a more equitable and more manageable way to distribute resources evenly. Further, the permissable range of variance from the comparability standard should be expanded from the present 5% to 10%, to allow for the administrative complexities of large urban systems.

Third, the U.S. Commissioner of Education should be authorized to resolve conflicts between state equalization and federal comparability requirements. Where the state and federal criteria are incompatible, local school systems are being forced to play a numbers game by juggling staff among the school buildings without respect for program or job continuity.

Our fourth, and final, recommendation regarding comparability is that the existing mini-comparability requirements, relating to services for handicapped students, be eliminated. With full implementation of the Education for All Handicapped Children Act, Title I safeguards for handicapped children should no longer be necessary.

(Impact Aid) The next program we address is Impact Aid. The Council endorses the impact aid concept: the Federal government should reimburse local school districts for 1) loss of tax revenues due to Federal occupancy of property, and 2) the extra burden of educating children of persons residing or working on Federal property.

The Council takes particular interest in that portion of impact aid funds derived from children in Federally supported low-rent housing. In 1974, Congress mandated payments on behalf of these children to help compensate for losses anticipated to result from Title I formula changes and elimination of Title I special grants to urban and rural districts with high concentrations of low-income children (see attached charts, numbers 2 and 5).

Between 1974 and 1977, some urban districts sustained sharp reductions in Title I funds, and others realized only minimal gains, disproportionate to the overall annual increases in Title I appropriations. The impact aid low-rent housing money intended to compensate for Title I losses was tied to "Title I-type" programs. However, impact aid funds are not appropriated one year in advance as are Title I funds; nor was it clear what specific restrictions would eventually be placed on use of funds. The lack of advance funding, actual delays in issuing funds once money was appropriated, and regulatory confusion regarding use of funds, severely inhibited planning and program implementation capability at the local level. State agencies were required to assume administrative responsibility for the funds but were not granted any portion for that purpose.

The Council therefore recommends that legislative changes provide the following:
First, that those local education agencies which continue to receive Title I allocations below their 1974 amount, should use their low-rent housing impact aid allocation as if it were Title I money, to restore or expand Title I programs.
Second, all other districts should spend their low-rent housing funds on programs similar to Title I, to serve children in low-income areas at the local agency's discretion. State agencies should be relieved of their current responsibility for administering these funds.

And third, the tier structure for distributing funds should be revised to include an entitlement for low-rent housing students in the second tier, from which they are now excluded.

(ESAA) The next and concluding section of our remarks is directed at the Emergency School Aid Act.

All of Council's member school districts are now either implementing, or planning to implement, desegregation actions. Many of their efforts in this regard have been supported by Emergency School Aid funds. Council districts have found that Federal desegregation funds are frequently a critical catalyst to local advances in desegregation.

Because the Federal assistance is so critical to achieving local support of desegregation efforts, our experience has been that it is counter-productive for school systems faced with the urgent need to achieve effective school desegregation programs to compete for funds on a project proposal basis. When a school district is implementing or is about to implement a court-ordered or voluntary plan, the funds must be available in a timely fashion, over a period of time, and at a sufficient level. At a minimum, the basic grants should be available on an entitlement basis, according to the number of minority students.

We therefore recommend that in the case of a court ordered or voluntary desegregation plan, or in the case of a state or Office of Civil Rights investigation leading to the commitment of school districts to reduce the harmful effects of racial isolation, funds should be made available for grants to gain community support, to plan for changing the existing circumstances, and to train those persons who will be implementing the program.

At the time of acceptance of a plan by the court, quasi-judicial body, State or Office of Civil Rights (as in the case of a voluntary plan acceptance by the board of education), the school district should receive an entitlement grant based upon the number of minority children who would be affected by the plan times 20% of the local per pupil expenditures. Grants should be made for a minimum of three years to permit sufficient planning time and to allow for program continuity.

This concludes the oral portion of our testimony. Thank you for the opportunity to appear before you this morning.

Supplemental Statement on Urban Public Schools and the Federal Role

Since 1956 the national commitment to the improvement of urban education has made great progress. But for the past eight years, progress has had to come in the face of great hardships. Since 1968, report after report and recommendation upon recommendation have called the attention of the nation's leadership to the need to address the issue of financing the educational program needs of the cities. The Riles Commission Report of 1970 was buried in the National

Archives and only unearthed through the alertness of the Congress. The Report of the President's Commission on School Finance, which included a recommendation of $1.0 billion dollars to urban school systems, was meticulously dismembered. There have been five Presidential vetoes of education funding bills in the past eight years.

We recognize that not all of the problems and challenges faced by urban schools can be solved immediately; and we do not believe that money alone is the answer. However, we are making gains which are placing the problems of urban schooling within reach of solution; and we believe that with adequate, coordinated support of Federal, state, and local resources, the prospects for additional breakthroughs are bright.

The member school systems of the Council are committed to provide educational services which are equally effective for all their students. The Council view of what the Federal role toward this end can and should be, focuses first on existing programs. The Council believes that Federal categorical programs to meet the special needs of urban school children have been a timely stimulus for critical improvements in urban school systems. These programs must continue to be of national concern. Priority should be given to the funding of mandated programs and those programs which meet the needs of economically, physically, or educationally disadvantaged students.

The urban school districts have unique educational concerns and costs related to the provision of special services to large numbers and concentrations of children. Because urban schools were among the first to provide special services to handicapped youngsters, proportionately more handicapped children receive services today in urban school systems than in other locations. The cities have also specialized in programs for the academically gifted and talented.

Over a third of the Council cities' children come from families whose incomes are less than the national poverty level; and over 80% of the children from families with low-income in the major metropolitan areas are in the urban school systems. Because of poverty and near-poverty conditions, urban youngsters require breakfast, lunch, and summer feeding programs and more than normal school health services.

Nearly 25% of all the children with language handicaps which impede their educational progress are in our urban schools. These children need bilingual and multi-cultural programs to allow them to make progress in the urban community and to preserve their rich heritage.

The migrations of persons into and out of the urban centers have dramatically altered the demography of our nation's metropolitan areas, and yet the education and training programs of teachers and administrators have not reflected these changes. The colleges and universities have largely continued with traditional modes of training. Thus, there is an acute awareness that extensive in-service training of teachers and administrators in the cities is needed and that education and training programs for teachers and administrators in city schools need to be radically changed. Demographic factors have also changed the meaning and significance of testing and program assessment as they apply to urban schools and urban school children. In addition, the population changes have resulted in the active participation of parents and community groups, who were previously disenfranchised from participation in the education processes and school operations.

Finally, by the end of the next school year, 26 of our member school systems will be actively desegregating and continuing to eliminate discrimination on the basis of race, sex, or handicapping conditions.

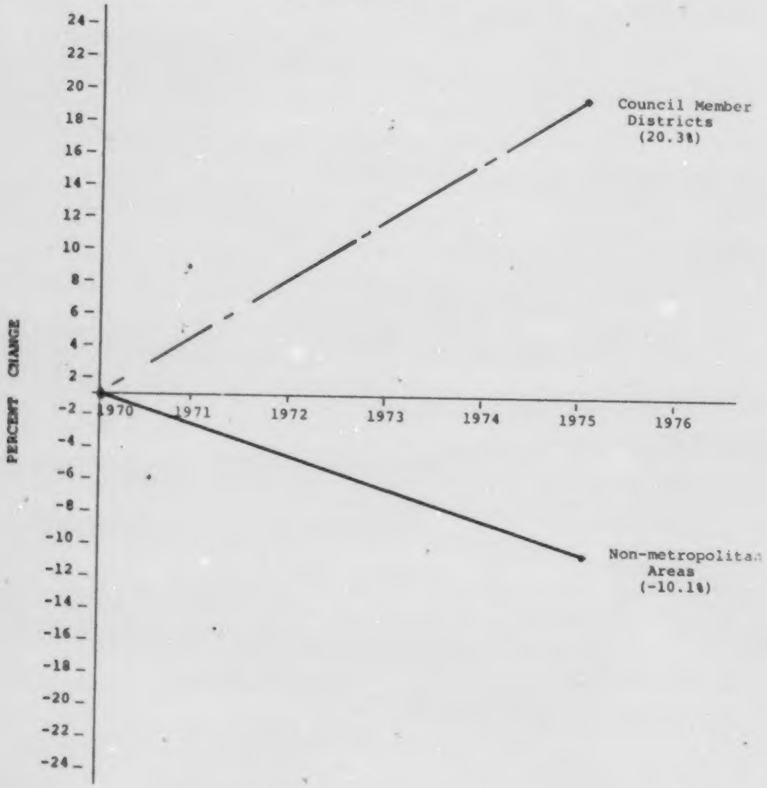
The States and the Federal government must acknowledge these special urban circumstances and must provide special relief for these unique needs. In doing so, their policymaking should reflect the following considerations.

The Council believes that the role of the State is not only to provide local educational agencies with broad goals and standards, but also to guarantee local education agencies the flexibility and local decision-making authority to achieve and augment those goals and standards. States must work closely with the federal government to develop statewide systems of resource distribution which equalize educational opportunities through the recognition of special needs of children; based on the wealth of the state as a whole, not on the wealth of the individual district. State and federal policies, priorities, and procedures should be jointly developed to address urban needs.

Federal policy must never lose sight of the local school board's responsibility to plan, coordinate, and establish specific goals and plans to meet the educational needs of the local community. The Council believes that it is the duty of local boards of education to be strictly accountable to the public for the ways in which tax dollars are spent for education so that maximum cost-effectiveness results. Finally, federal policy should encourage school boards to develop and use policies and procedures which provide for the active participation by all members of the school community--citizens, parents, students, and staff--in their public schools.

CHART # 1

Percent change in the number of children in poverty in 28 of the nations largest central city areas and the nation's non-metropolitan areas (1970 and 1975).



Figures derived from The Survey of Income and Education and unpublished independent estimates. Council of Great City Schools, 9/77

CHART #2

ESEA TITLE I

Comparison of actual 1975 Title I, Part A allocations to Council member districts with estimated allocations using the $2000 poverty line.

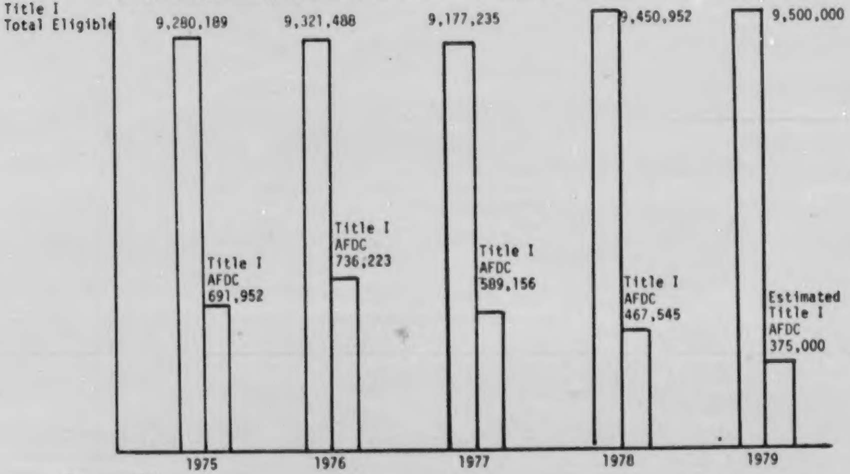
School District	Actual Title I Part A Allocation for 1975	Estimated 1975 Allocation Using $2000 Poverty Line
Atlanta	$ 4,731,629	$ 4,800,000
Baltimore	12,859,729	16,500,000
Boston	7,591,118	11,000,000
Buffalo	6,323,890	9,700,000
Chicago	46,067,540	65,000,000
Cleveland	9,137,232	13,000,000
Dade County	7,249,375	5,600,000
Dallas	5,404,011	4,000,000
Denver	3,539,715	4,500,000
Detroit	19,523,696	24,500,000
Long Beach	2,024,580	2,900,000
Los Angeles	26,664,021	38,000,000
Memphis	6,835,830	3,500,000
Milwaukee	5,763,290	7,000,000
Minneapolis	3,093,153	4,700,000
Nashville	2,550,321	1,200,000
New Orleans	8,020,836	6,700,000
New York	131,198,511	200,000,000
Norfolk	2,912,902	3,500,000
Oakland	4,152,100	5,400,000
Philadelphia	24,413,177	37,000,000
Pittsburgh	5,366,297	7,000,000
Portland	2,715,670	2,400,000
St. Louis	6,318,422	6,700,000
San Diego	3,660,668	8,700,000
San Francisco	4,375,509	5,600,000
Toledo	1,851,740	2,300,000
Washington, D.C.	9,670,073	15,800,000
TOTAL	$ 374,033,050	$517,000,000

The Council of the Great City Schools
September 1977

CHART #3

ESEA TITLE I

Number of AFDC children counted in the TITLE I formula X increase in the AFDC poverty line

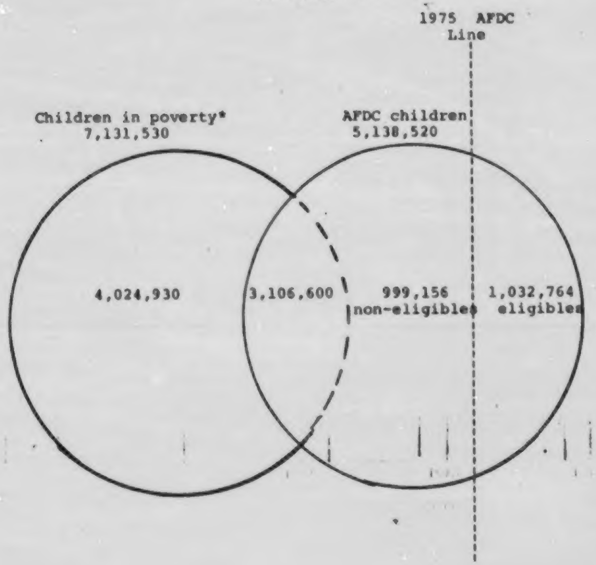


	1975	1976	1977	1978	1979
Poverty line for AFDC:	$4250	$4750	$5050	$5500	$5900 estimated
AFDC share in Title I:	7.5%	7.9%	6.4%	5.0%	4.0%

Council of the Great City Schools September 1977

CHART # 4

ESEA Title I



* Based on the currently used 1970 Census Bureau data on poverty

Council of Great City Schools
September 1977

CHART #5

ESEA TITLE I

Funding history for Council member districts (Title I-Part A allocations) 1974-77

School District	1974	1975	1976	1977
Atlanta	$ 5,142,065	$ 4,731,629	$ 4,835,868	$ 5,272,837
Baltimore	12,919,357	12,859,729	13,099,736	13,680,955
Boston	7,741,263	7,591,118	7,423,747	7,492,324
Buffalo	7,439,870	6,323,890	5,917,085	5,744,003
Chicago	46,917,936	46,067,540	45,507,048	49,155,535
Cleveland	10,749,685	9,137,232	7,766,648	7,338,607
Dade County	4,330,008	7,249,375	7,643,326	9,055,666
Dallas	4,268,458	5,404,011	5,583,517	5,993,966
Denver	3,435,138	3,539,715	3,512,322	3,781,574
Detroit	19,075,202	19,523,696	22,536,148	22,694,570
Long Beach	2,026,730	2,024,580	2,171,527	2,218,049
Los Angeles	29,437,216	26,664,021	26,814,295	28,352,506
Memphis	4,875,651	6,835,830	7,284,710	7,704,805
Milwaukee	5,881,286	5,763,290	6,569,997	6,561,652
Minneapolis	3,639,004	3,093,153	2,947,797	3,050,225
Nashville	1,716,492	2,550,321	2,667,557	2,857,112
New Orleans	5,960,408	8,020,836	8,149,011	8,739,812
New York	154,351,189	131,198,511	117,663,003	114,942,230
Norfolk	3,100,407	2,912,902	3,007,568	3,278,762
Oakland	3,911,505	4,152,100	4,142,508	4,344,732
Philadelphia	27,244,373	24,431,177	25,366,862	25,499,721
Pittsburgh	4,395,551	5,366,297	5,748,844	5,704,296
Portland	2,035,469	2,715,670	2,724,150	3,028,418
St. Louis	5,678,371	6,318,422	6,492,267	6,781,330
San Diego	3,214,733	3,660,668	3,666,484	3,872,086
San Francisco	4,253,640	4,375,509	4,185,927	4,420,271
Toledo	1,922,924	1,851,740	1,907,762	2,007,065
Washington, D.C.	11,194,811	9,670,073	10,691,492	10,268,060
TOTALS	$396,894,760	$374,033,050	$366,026,450	$373,841,200

Council of Great City Schools   September 1977

Mr. **Rosica**. In relation to Title I of ESEA, we very strongly feel that the current formula allocating Title I funds does not meet the needs of the big cities. It does not provide for the growing number of AFDC children.

In fact, what has occurred in many of the large urban school districts is since the formula change in 93-380, many of our school districts have had to reduce the number of children that they were serving before the formula changed.

We would like to make the following recommendations relative to Title I.

First, Title I should be funded at the maximum atuhorized level.

Second, all AFDC children should be counted to determine entitlement.

Third, the poverty level for counting low income children should also be used for counting AFDC children.

Fourth, if there is a substantial increase in the annual appropriation for Title I, then a significant portion of the increase should flow to school systems with large numbers or heavy concentrations of low income students. These funds could then be used in the following manner:

One, to increase services for all educationally disadvantaged children in Title I schools with exceptionally high concentrations of poverty children.

Two, to expand services to eligible but unserved schools.

Three, when all Title I eligible schools are fully served, to expand services to remaining schools with high concentrations of low income children.

I think a second area we are deeply concerned about is the area of comparability. We would like to make four recommendations in that particular area.

First, a single annual comparability report. In many of our states two reports are being required at the present time, and we must constantly update the current comparability reports.

We would also like to see the deadline for submission of these reports changed from December 1 to January 1 because the short time line as presently mandated in the regulations makes it extremely difficult for us to gather this data.

Second, except where conflicts with State statutes might occur, staff pupil ratios should be used instead of financial measures to determine equitable resource distribution among school buildings.

The variance should be changed from 5 percent to 10 percent to allow for the administrative complexities of large city school systems.

Third, the Commissioner of Education should be authorized to resolve conflicts between state equalization and Federal comparability requirements.

Our fourth and final recommendation deals with what is known as mini-comparability, which is being mandated as of this year. We would like to see that the mini-comparability requirements relating to services for handicapped students be eliminated.

We specifically make this request because services for handicapped children are not based on whether children are in Title I or non-Title I schools, but specifically on where the need exists, and in many school districts where there is actual physical space for these children to be housed.

As the regulations are presently structured, it is almost impossible for large and also small school districts to comply with the mini-comparability requirements. We did a fast check of this in Pennsylvania and found that there was just no way that the great bulk of the school districts could be comparable in this particular area.

We also have recommendations relating to impact aid and ESEA but because of the short time we would ask that you please review these particular recommendations in the testimony which we have submitted.

I would also like you to note in our testimony that we have five charts at the back of our testimony which indicate the impact of the current formula on the school districts, the 26 major urban school districts, and also the particular impact of the formula change in terms of the counting of AFDC children.

Thank you very much.

Mr. **Blouin**. Thank you.

STATEMENT OF SARAH HASKINS, VICE PRESIDENT, SCHOOL BOARD, DALLAS PUBLIC SCHOOLS

Ms. **Haskins**. Thank you verv much, Mr. Chairman.

I am Sarah Haskins, Vice President of the Dallas Independent School District Board of Education. We concur wholeheartedly with the report of the Council of the Great City Schools. I have filed with you testimony that I hope you will take time to read on Title I.

[The statement of Ms. Haskins follows:]

TESTIMONY BY SARAH HASKINS
VICE-PRESIDENT, BOARD OF EDUCATION
DALLAS INDEPENDENT SCHOOL DISTRICT
DALLAS, TEXAS

BEFORE THE HOUSE COMMITTEE ON HEALTH, EDUCATION,
AND WELFARE,
HONORABLE CARL D. PERKINS, CHAIRMAN
SEPTEMBER 20, 1977

Honorable Chairman Perkins and members of the Committee, I am Mrs. Sarah Haskins, Vice-President of the Dallas Independent School District Board of Education here in behalf of myself as a parent, educator, concerned citizen and active participant-member of the Council of Great Cities Schools. I am concerned that the proposed reauthorization of the Elementary and Secondary Education Act (ESEA) may not address fully certain issues which mitigate against attaining its lofty purposes. In 1965, ESEA set out to alter in significant ways national education policy and to translate this policy into new programs, services and procedures at the local school level. This intent has not been attained and many of the ideas for reauthorization to which I am privileged fall short of the legislation's purposes. May I present the following ideas for your consideration?

COMPENSATORY EDUCATION

The urban schools particularly are faced with a horrendous task of educating a rapidly escalating and disproportionate number and percent of the USA's poor children, many of whom are outside our society's mainstream because of differences in language, culture and socio-economic status. This escalation of scope of educational responsibility has been accentuated by inflation and by the urban overburden typically manifest by additional costs of school building deterioration, vandalism, security for students and staff, welfare oriented services and the like. These conditions have placed urban schools in a precarious financial position at the same time that enrollments are declining and redistributing, and local ad-valorem tax resources have stabilized, or in many cities have dwindled. In short, urban schools need substantial financial assistance to support a multiplicity of compensatory education programs each of which needs to be planned and implemented by the local education agency without undue constraints of federal and state regulating authorities. We certainly don't need overlapping and conflicting agencies of government, each with its funding guidelines, priority program activities, evaluation and monitoring requirements and funding cycles, among others.

What we do need from the federal government is a fully funded comprehensive compensatory education program which has the following characteristics:

1. A single needs assessment is used with all applications based on the comprehensive Right-to-Read model for all compensatory education populations: (economically and educationally deprived, linguistically different, gifted and talented, etc.)

   The Dallas Independent School District produced 743 pages of needs assessment data in the process of applying for 1977-78 federal compensatory education funds.

   In the ESAA program, alone, the Dallas Independent School District delivered to federal grant administrators 66 copies of our 78 page desegregation court order as well as 484 pages of needs assessment data. In actual typed pages (multiple copies of each proposal are required) this amounted to 10,477 pages.

   A single needs assessment would eliminate much of this duplication of effort and would enable many current compensatory education program applications to be consolidated into a single application which would incorporate separate components for each target population.

2. A three-year commitment of funding and continuing services for eligible students for which only one major application preparation activity is required as contrasted with the annual applications required now. This three-year application would be updated annually with minor revisions to program goals, objectives and activities.

3. A much greater latitude for the LEA in using compensatory programs with eligible students in lieu of the regular program which has demonstrated that it cannot fully meet the needs of special pupil populations. Simultaneously the definition of "supplanting" should be limited to the requirement that the LEA maintain reasonable financial support and staffing ratios in schools that receive federal compensatory funds. I refer to this matter in Number 4 which follows.

4. A set of reasonable comparability requirements which do not unduly constrain the administration of local schools while retaining the intent of comparability guidelines: i.e., to provide from local funds a balance in the level of staffing in schools which receive compensatory funds as compared with those which do not. Our definition of reasonable is:

    a. Total salaries less longevity for instructional personnel in each compensatory education school to be no less than 90 percent of the average salaries of the non-compensatory education schools.

    b. Average adult/pupil ratio of instructional personnel in each compensatory education school to be no more than 110 percent of the average adult/pupil ratio in non-compensatory education schools.

5. A uniform interpretation of "supplanting" and "comparability" applied to all federal funded compensatory education programs, regardless of which public law provides authorization source. (ESEA Titles I, IV, VII; ESAA: P. L. 94-142 and Indian Education among other lower funded programs).

6. A provision that eligible compensatory education students should continue to receive services after they are moved to an ineligible school because of voluntary or court-ordered desegregation plans. This concept of "services should follow the child" should apply to all compensatory education programs regardless of which public law provides authorization.

7. A provision that compensatory education program funds may be utilized from each grant award to support fully the research, evaluation, development, monitoring and administration activities needed to implement programs effectively and to determine their effects upon participants.

8. A sufficient concentration of federal resources needed to make a difference. At least 33 percent in excess of the state and local apportionment is needed for economically, educationally and/or linguistically different children. Handicapped children will require from 150 percent for minimal to 700 percent of local funds for severely and multiply handicapped children.

PROGRAMS FOR INNOVATION, SUPPLEMENTARY
SERVICES, AND INSTRUCTIONAL SUPPORT

The prior efforts of Congress to consolidate exemplary/innovation/support programs which have similar or complementary intent fall far short of needs for such consolidation. For instance, ESEA Title IV as amended includes the former ESEA Titles II, III, IV (some parts only) V, and VIII along with NDEA Titles II, III and IV. While the new Title IV is a commendable effort toward consolidation, it does not include programs for special populations such as handicapped, bilingual, American Indian, gifted and talented as well as new developmental priorities -- metric education, energy and other resource use education and drug abuse education, among others -- all of which receive funds for innovative and exemplary programs and support services from other legislation.

Last year we prepared 42 separate proposals involving 2,361 pages for funds under all [illegible] services. [illegible] proposals required a separate but duplicative [illegible] along with many wasted staff resources in negotiating and communicating with and reporting to over 16 separate funding agencies and bureaus.

Surely there is a better plan somewhere for consolidating and coordinating innovative and exemplary programs and support services. We sincerely hope that the Congress will take a giant step forward by providing sufficient funds under fewer public laws or titles, involving fewer and simplified applications while reducing the number of separate funding agencies, funding cycles and monitoring and reporting procedures. Such action would conserve our staff resources as well as those of the U.S.O.E. and the N.I.E. toward the goal of providing more cost-effective programs for children, youth and adults.

Ms. Haskins. I would like to mention some Title IV programs for renovation, supplementary services and instructional support.

The prior efforts of Congress to consolidate exemplary/innovation/support programs which have similar or complementary intent fall far short of needs for such consolidation.

For instance, ESEA Title IV as amended includes the former ESEA Titles II, III, IV (some parts only) V, and VIII along with NDEA Titles II, III, and IV.

While the new Title IV is a commendable effort toward consolidation, it does not include programs for special populations such as handicapped, bilingual, American Indian, gifted and talented as well as new developmental priorities—metric education, energy and other resource use education and drug abuse education, among others—all of which receive funds for innovative and exemplary programs and support services from other legislation.

Last year we prepared 42 separate proposals involving 2,361 pages for funds under all categories of innovative and exemplary programs and support services. Each of the 42 proposals required a separate but duplicative needs assessment along with many wasted staff resources in negotiating and communicating with and reporting to over 16 separate funding agencies and bureaus.

Surely there is a better plan somewhere for consolidating and coordinating innovative and exemplary programs and support services. We sincerely hope that the Congress will take a giant step forward by providing sufficient funds under fewer public laws or titles, involving fewer and simplified applications while reducing the number of separate funding agencies, funding cycles and monitoring and reporting procedures.

Such action would conserve our staff resources as well as those of the USOE and the NIE towads the goal of providing more cost-effective programs for children, youth and adults.

Thank you.

Mr. **Blouin**. Thank you.

Dr. Kiernan?

STATEMENT OF OWEN B. KIERNAN, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

[The statement of Mr. Kiernan follows:]

STATEMENT

of

Dr. Owen B. Kiernan
Executive Director

NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

Mr. Chairman and members of the Committee, it is a pleasure to come before you this morning to represent 36,000 secondary school administrators. These men and women who serve in the public, private, and parochial schools of the nation in turn have responsibilities for approximately 20 million students. It goes without saying that any and all legislation affecting these youth is of great concern to our members. Many of them supported the initial legislation a dozen years ago and they can give first hand testimony as to ESEA's effectiveness at the school level. The proposed extension of the Elementary and Secondary Education Act is one which they heartily applaud in every section of the country. We salute you, Mr. Chairman and members of this Committee, for your commitment to equal educational opportunity and to programs of quality education. The enactment of H.R. 15 represents a continuing series of steps in attaining this goal.

There are, of course, related problems. The financial crunch has been particularly devastating to small school districts where resources are far too meager. These schools must have massive fiscal transfusions of dollars from the state and federal governments. At the same time we must design some type of guarantee to continue education as a *local function*, a *state responsibility*, and a *federal concern*. Over the life of the ESEA we have noted evidence of increasing federal encroachment. Coupled with this is a tendency to mandate national programs which place far too heavy burdens --matching and otherwise--on the local and state partners. This situation already has resulted in some receiving agencies taking a very hard look at the strings attached to federal dollars. In some cases the states and school districts will back off for purposes of self-preservation.

I was particularly pleased to hear U. S. Commissioner of Education Ernest Boyer express himself very vigorously on the necessity of maintaining a viable partnership. His direct quote follows: "It is important to remember that American education is *and must remain* (emphasis supplied) a state and local responsibility. At the same time, we're going to take major initiatives in those areas where the federal government legitimately should be involved." Last month the Majority Whip, Hon. John Brademas, inserted the Commissioner's remarks in the *Congressional Record* (see E5163-5164 under date of August 4, 1977). Returning to the question of federal initiatives, we believe that the extension of the ESEA through 1983 very clearly falls in this category. Our support is re-echoed by the public in the recent Gallup poll. The third ranked problem in the public's judgment is one of more adequate financing for the schools. In answer to a question of how the added costs of services for the physically and mentally handicapped should be financed, the overwhelming majority of those asked (82%) said that the federal government should pay for these costs.

On the other hand, as stated in the Gallup report, "The nation's adults vote two-to-one for giving local school authorities jurisdiction on how the [federal] money is to be spent to carry out the program locally."

Two recent findings add a renewed sense of urgency to the need for more realistic federal funding. One is to make the high school diploma more meaningful by means of competency or proficiency testing. Undoubtedly, many students will be found to be deficient in certain subject areas and this will place additional budget problems on the local and state agencies when they attempt to set up appropriate remedial programs. A related finding involves the sharp decline in Scholastic Aptitude Test [SAT] scores over the past 14 years. It was my privilege to serve on the national panel with the former Secretary of Labor, Willard Wirtz, and other distinguished leaders and we shared a deepening concern for the unprecedented decline (49 points on the verbal section and 32 in mathematics). The correction of this increasingly serious problem alone will take the time, attention and money of the local and state partners. ESEA assistance in the designated titles of this public law eases the heavy burden which taxpayers are facing in each of the 50 states, and allows the education authorities to concentrate on the two concerns outlined above.

Because of the time constraints associated with this hearing I would hope, Mr. Chairman, that the NASSP might be permitted to file supplementary remarks on the several sections of the original and proposed act. As an example, the bilingual program has made a significant contribution, yet the goal of mastering English is not clearly delineated. Recognizing that English is the "link" language of the globe the program can and should be designed as a transition mechanism. Language barriers will fall as non-

English speaking children gain both confidence and proficiency in their own language, but long-range objectives must also include proficiency in English.

There are several other suggestions which we will file, but the thrust of our remarks this morning is to underscore the importance of extending the ESEA for another five years. We urge the full and serious consideration of the 95th Congress in expeditiously enacting this legislation.

Thank you.

Mr. KIERNAN. Mr. Chairman, members of the committee, it is a pleasure to return before the committee to represent some 36,000 secondary school administrators in the public, private and parochial schools of the nation.

These men and women in turn have responsibilities for some 20 million American youth. So, any congressional legislation considered by the 95th would be of great interest to them on behalf of the welfare of these young men and women.

Let me speak because of the constraints of time, not on the several titles but rather generally on the fact that we think that the extension of ESEA as proposed in H.R. 15 is defensible in every sense of the word, and we hope that the Congress will move expeditiously to get this on the books through 1983.

We have some related problems, as I am sure the committee members appreciate.

The financial crunch has been particularly devestating in some of our smaller school districts, and they require a massive fiscal transfusion of State and Federal dollars. At the same time, we must design some type of guarantee to continue education in a viable partnership as a State responsibility, as a local function, and as a Federal concern.

Over the life of the ESEA, we have noted some evidence of increasing Federal encroachment. Coupled with this is a tendency to mandate national programs which place far too heavy burdens, matching and otherwise, on the local and state partners.

This situation has already resulted in some receiving agencies taking a very hard look at the strings attached to Federal dollars.

In some cases the States and school districts are backing off for purposes of self-preservation.

I was particularly pleased to hear the new United States Commissioner of Education, Ernest Boyer, express himself very vigorously on the necessity of maintaining this partnership.

This is Dr. Boyer's direct quote, which incidentally the Majority Whip placed in the Congressional Record under date of August 4—"It is important to remember that American education is and must remain a State and local responsibility. At the same time, we are going to take major initiatives in those areas where the Federal Government legitimately should be involved."

We commend this point of view. Undoubtedly the extension of ESEA through 1983 is one of those Federal initiatves, which seems to us to be particularly defensible.

Returning to the question of Federal initiatives, we noted that the public supports our feeling in terms of responsibilities being placed back on the State and local level.

In the spring Gallup Poll published within the past two weeks—the question was asked how the added costs of services for the physically and mentally handicapped should be financed.

The overwhelming majority of those responding, 82 percent, a rather significant statistic, said that the Federal Government should underwrite these costs.

On the other hand, as stated in the Gallup report, the nation's adults voted two to one for giving local school authorities jurisdiction on how this Federal money should be expended.

Two recent findings which added a renewed sense of urgency to the need for higher level of funding, and a more immediate funding on the part of the Federal Government, one was the question of the high school diploma, making it more meaningful, and many States already have taken action in tems of proficiency, performance or competency tests to tie in with the diploma.

Over 30 States, incidentally, either have statutes on the books as of this hour or legislation has already been filed calling for competency based testing.

The second reason for urgency deals with the sharp decline in the scholastic aptitude test. I was privileged to serve on a national panel with the former Secretary of Labor, Willard Wirtz, and a number of other distinguished leaders, and we released our report just within the past three weeks.

Chairman **Perkins**. Let me interrupt you.

We have a full committee meeting and may have to abruptly adjourn the committee here for some while. But we carefully distributed your statements yesterday afternoon. I feel that all the members have read your statements and we will reconvene a sitting, if possible.

I would like to ask you, Dr. Kiernan, as the Executive Director of the National Association of Secondary School Principals, and Mr. Thomas Rosica, and Ms. Haskins, testifying for the Council of Great City Schools, Mr. Turner, the Associate Director of the American Association for School Administrators, if all of you feel that Title I should be targeted on the economically disadvantaged as we are presently doing, or whether you feel it would be preferable to go to testing as has been proposed by members of this committee.

What is your view? Just give me your view quickly.

Mr. **Kiernan**. I would lean in the direction of the ranking minority member's comments in terms of tying in some fashion an educational criterion as well as those which we already have on the economic side of the ledger. I think the point of view, which you are well aware of, is that we ought to be concerned with all youngsters.

For that reason, our association would lean in the direction of revising the formula cautiously, but to add that educational component.

Chairman **Perkins**. Well, let me ask you this. Would you prefer, if you had your choice, leaving Title I as it presently is, targeted on the disadvantaged, and adding a general aid component on top of Title I distributed to the states—would you feel that that would be a better approach, if we could get that approach through this committee and the Congress?

Mr. **Kiernan**. I would, Mr. Chairman.

Chairman **Perkins**. Do you feel that that is the way we really should proceed in this country if we are going to do something for all the childen, and not rob Peter to pay Paul; I mean, take nothing away from the disadvantaged, but build on top of Title I, for a general aid program.

Mr. **Kiernan**. I would, Mr. Chairman. As you will recall, I served as head of a State school system for many years.

I would support that approach. I think it is a far more viable approach.

Chairman **Perkins**. I would like to hear the comments of the other gentlemen, too.

Mr. **Turner**. Yes, Mr. Chairman, we would support that approach. We feel that the Title I funds should be targeted as they are at the present time. Until there is more money, it is rather difficult to expand those programs to the rest of the population.

But we would certainly support that as you have stated it.

Chairman **Perkins**. Mr. Lucas?

Mr. **Lucas**. Coming from a large city, I really believe it is a sad commentary to say that we really cannot afford the luxury of serving all the children that are needed. An allusion was made in the NEA's testimony about rocks being tied to some children's ankles as they are going down the railroad track. I would suggest there are some that have boulders, and some that have rocks.

We are trying to take care of those that have boulders. In that instance, we are in our district for the retention of the eligibility requirements as they are now—the economically disadvantaged as well as the educationally disadvantaged.

Of course, we support the idea and the concept of general aid on top of that.

Mr. **Rosica**. The Council of the Great City Schools would support the present way of targeting children. I may also comment that in terms of the formula, we would like to see the formula changed so that there is a full count of all AFDC childen.

We would also support the stance on general aid which we feel is so critical to the major urban school systems in the country. Our school system this year ran a $173 million deficit. We have now gotten that down to approximately $54 million, and initially we had to fire 10,000 people.

We recalled 7,500 fo them, so we are one of the major school systems that is in great financial distress, and feels there is a great need for general aid, but we also want to see the categorical aid and specifically Title I formula, the Title I targeting of children for educational disadvantaged remain the same.

Ms. **Haskins**. I would concur with the statement of the gentleman from the Great Council, yes. From Dallas, we definitely go that way.

Chairman **Perkins**. Thank you.

Mr. **Blouin**. Do any of the other subcomittee members have questions?

The subcommittee would like to thank the panelists for your brief but significant contribution to the subcommittee's record. We appreciate your understanding of our timetable.

Thank you for coming.

[Whereupon, at 9:50 a.m., the subcommittee adjourned.]

[Material submitted for inclusion in the record follows:]

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nassp The National Association of Secondary School Principals
1904 Association Drive • Reston, Virginia 22091 • Tel: 703-860-0200

OWEN B. KIERNAN
Executive Director

October 7, 1977

Honorable Carl D. Perkins, Chairman
Elementary, Secondary, and Vocational
Education Subcommittee
B346C Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Perkins:

In my testimony before your distinguished subcommittee I stated that I would submit supplementary comments. Below is a brief addendum to my remarks. I ask that this also be placed in the record.

1. Title I should not be simply a subsidy for urban school systems. Monies more rightfully would be directed toward students with low achievement. Certainly, income correlates highly with achievement, but the two are not identical. For instance, some black families now are moving from the urban North to the rural South. The focus of Title I monies should be on teaching reading and computational skills.

2. Title IV funds should be targeted to assist local school districts to develop improved capacity for problem solving. Many school problems are situational, and many aspects of general problem areas involve community-specific conditions.

   States do not need more than a 5 percent administrative set-aside. This is sufficient monitoring and review of programs in LEAs. When larger amounts of monies are set aside, the tendency is for bureaucratic bloat. Staff are then employed who provide no direct assistance to LEAs; in fact, their employment usually results in additional work for LEA personnel who must respond to correspondence and report forms of dubious value. State department people should audit results, not involve themselves with month-by-month "assistance" to LEAs.

3. Bilingual education should clearly be transitional, with the definite objective of moving students toward literacy in English. Public funds should *not* be used to stimulate a multi-lingual society. We must not walk blindly into Canada's tragic situation by supporting an "Ontario" in the U.S.A. The program should be bi-lingual, not bi-cultural, and it should focus on grades 1-9. The goal should be to terminate instruction in the second language as soon as the student is proficient in English.

   Language is one of the few things this nation has in common. Without the English language norm, the heterogeneity of our peoples would be difficult to integrate.

4. Impact aid provisions should be modified for category "B" children so that subsidies would be given only to those districts that actually include the federal *installation* employing the parents. This would supplement the tax base of the districts who normally would receive tax monies from the office building or facility, were they privately owned.
5. Broadcast facility monies should be directed toward the purchase by schools of videotape hardware and software. These are of much greater use to students than is television programming. Schools need the flexibility of videotape delivery to individualize instruction.

Thank you.

Yours very sincerely,

Executive Director

OBK:dm

PART 12: NATIONAL ORGANIZATIONS

WEDNESDAY, SEPTEMBER 21, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 8:30 a.m., in room 2175, Rayburn House Office Building, the Hon. Michael Blouin (acting chairman), presiding.

Members present: Representatives Blouin, Mottl, and Kildee.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Mr. BLOUIN. The subcommittee will come to order.

The hearing today is a continuation of a series of hearings on H.R. 15. Our witnesses today will concentrate on the private education aspect of the Elementary and Secondary Education Act.

Today we have three witnesses. We would like to have all of you up at once as a panel.

Father Patrick Farrell, U.S. Catholic Conference, Representative for Elementary and Secondary School, accompanied by Mr. Richard Duffy, Conference Representative for Federal Programs and Mr. Gerald Tobin, Assistant General Counsel, U.S. Catholic Conference.

We also have Dr. Robert L. Lamborn, Executive Director, Council for American Private Education.

Our third witness will be Ms. Joanne T. Goldsmith, Executive Director, National Coalition for Public Education and Religious Liberty.

If any of you have accompanying staff with you feel free to have them come up also.

Father Farrell, would you begin, please.

We have your complete statements and they will be inserted in total into the record. If you wish, because of the session begining at 10 o'clock today and our efforts to try to wind this thing down by then, we would appreciate it if you could summarize your statement.

STATEMENT OF FATHER PATRICK FARRELL, U.S. CATHOLIC CONFERENCE, REPRESENTATIVE FOR ELEMENTARY AND SECONDARY SCHOOLS, ACCOMPANIED BY RICHARD DUFFY, CONFERENCE REPRESENTATIVE FOR FEDERAL PROGRAMS; AND GERALD TOBIN, ASSISTANT GENERAL COUNSEL, U.S. CATHOLIC CONFERENCE

Father FARRELL. Mr. Chairman, members of the committee, I am Father Patrick Farrell, the United States Catholic Bishop's Representative for Elementary and Secondary Schools. I am accompanied by Mr. Richard Duffy, Representative for Federal Assistance Programs, and Gerald Tobin, Assistant General Counsel. We would like to thank you for providing us with the opportunity to present our views to this subcommittee.

I speak today on behalf of the eleven thousand elementary and secondary Catholic schools of this country, for the 3,315,000 children who attend them, as well as for the millions of people, parents and other adults who support them. My statement today is meant to offer you the recommendations of the Catholic School Community as they relate to the revision and extension of the Elementary and Secondary Education Act and related education statutes.

Catholic schools, while not as numerous as public schools, are a pervasive reality in our society. They can be found in countless rural hamlets, small towns, and in our great urban centers. Nowhere is this presence as palpable as in our cities. Even with the much publicized problems of parochial education, the Catholic School system is still educating two out of every six children in our largest cities.

The story of Catholic schools in America is not just one of numbers but one of performance. In the large cities as well as in other communities across the country, comparisons of standardized test scores reveal that children in Catholic innner city schools generally score higher on these tests than do children in the public schools of the same neighborhoods. This may not come as a surprise to very many people. However, it still might be surprising to some here that this is done for one-third the per pupil cost of the public schools. Mr. Chairman, you have graciously invited us, as representatives of the Catholic school community, to express our views on H.R. 15, a bill to extend certain elementary and secondary programs which are due to expire in the near future. We would like to begin by expressing our general attitude toward the Federal programs.

Since the enactment of ESEA, the congressionally mandated policy of comparable treatment of non-public-school children in Federal aid to education statutes has been both expanded through its incorporation in newly enacted laws, as well as strengthened in terms of improved statutory provisions in new and existing laws. This has largely been accomplished through the leadership of your committee. However, there is a good deal more that could be accomplished legislatively within the framework of ESEA.

Given the time limitations of this oral presentation, I will provide you with a very brief summary of the major points of our statement, the full text of which I presume will be incorporated into the record.

In general, the participation of Catholic school children students in Federal education programs ranges from excellent to very poor. The participation in Title I programs in most large urban areas continues to improve while in the smaller school districts there are often serious problems. Our full statement details some of the major difficulties encountered in States where state constitutional restrictions have been interpreted in a manner to significantly restrict services to non-public-school children.

Participation in Title IV-B programs continues to be excellent. However, there still remains serious problems with the participation of non-public-school children in Titles IV-C and VII programs.

In our opinion the congressionally-mandated policy of providing equitable services to non-public-school children is clear. However, in too many instances this policy has not been carried out in the implementation of Federal education programs by the U.S. Office of Education.

Therefore, the Catholic School community urges that certain specific actions be taken by Congress to insure that the longstanding inequities which are described in this testimony may be corrected and that the congressional mandate for the participation of non-public-school children be fully realized.

In our opinion, the problem basically stems from a lack of adequate procedures and personnel within HEW to implement this mandate. Consequently, we strongly recommend that the following actions be taken in the current revisions of ESEA.

That Congress require HEW and/or USOE to:

(1) Develop formal procedures published in the Federal Register for ascertaining information on the participation of non-public-school children in all Federal programs that require such participation.

(2) Develop formal procerdures published in the Federal Register for disposing of complaints and/or actual cases of non-compliance with any provision for the participation of non-public-school children in all Federal programs which require such participation.

(3) Demonstrate to Congress through a report to the House Committee on Education and Labor and the Senate Committee on Human Resources that there is a process of consultation with appropriate non-public-school officials comparable to that followed with public school representatives in dealing with Federal procedures affecting their respective school children.

(4) Create within the Office of the Assistant Secretary for Education a new position of Deputy Assistant Secretary for Non-public Education to coordinate the educational efforts of HEW with those of other Federal agencies as they impact upon the non-public-school community and to insure that educational policy development within HEW and the Administration is both sensitive and responsive to the special needs of the non-public-school community.

(5) Create within the USOE a new position of Deputy Commissioner for Non-public Education to carry out the development and implementation of the procedurs suggested above and to have the authority within USOE to insure that, in fact, program officers are fully complying with congressional mandates to serve non-public-school children.

If these recommendations, together with those related to specific program areas described in our full statement, are acted upon by

Congress, we, in the Catholic school community, are confident that significant progress will be made in the near future in resolving the problems of insuring equity and justice for non-public-school children.

I would also like to submit, for the proceedings of these hearings, two articles. One would be an article in the September 12 issue of "New York" that outlines some of the programs that are taking place within that city, which are rather typical of the kinds of programs that are going on in many of our major cities and of the great support that is being given to the education of children, minority children, within the urban areas.

[Information submitted follows:]

Learning a Lesson From The Catholic Schools

By Robert G. Hoyt

"...Cardinal Cooke has done surprising things for financially troubled parishes and schools. Last year he distributed $9 million..."

St. Bernard's: *The school sits beside an abandoned warehouse. Sister Alphonsus (right) has been principal for fourteen years*

Seven years ago people who took an interest in Catholic schools were fairly well agreed about their future: The seventies, they thought, would be a decade of decline, the prelude (many thought) to eventual disappearance. The forecast isn't coming true. In New York City and elsewhere in the country, parochial schools are struggling but they're very much alive. And it's not, as the uninitiated might guess, because of the iron will of a desperate hierarchy. The real reasons are more interesting, as a case study will show:

Last September, Our Lady of Victory School, 171st Street and Webster Avenue, in the Bronx, was about to die. With only 200 students, down from 300 a few years back, the school stood in a neighborhood dotted with project towers and burned-out older buildings. Tuition was $400 a year, but at that enrollment the income was not nearly enough to heat the old building, supply materials, and meet the payroll for the all-lay faculty. The parish, also dwindling from demographic shifts, could not make up the deficit, and there were nearby Catholic schools ready to absorb the students if parents so desired.

Even to Terence Cardinal Cooke, archbishop of New York, who has distributed millions of dollars to help parish schools, not every school in trouble looks eligible for rescue. In the case of Our Lady of Victory, the decision to close seemed obvious but, because it was also painful, it was postponed a few times. Finally, in March, since no miracle appeared, it was firmly made and sadly announced. Whereupon the archdiocese learned that the parents did insist on miracles. "We knew they would be disappointed," says Monsignor James A. Feeney, archdiocesan superintendent of schools. "We didn't think they'd get mad." They not only got mad, they organized, searched for allies, found some, and made a plan. His eminence found a reheated potato in his lap. The planners estimated that if the school were to operate next year, it would run up a deficit of $83,000. If the cardinal would kindly furnish $33,000 of that, somebody else was prepared not only to put up the rest but to take over responsibility for running the school—same buildings, mostly the same program, and mostly the same teachers. Despite the career risks involved, six of the eight were willing to stay. The twist in the story is that the somebody else was a corporate somebody: the national headquarters and the New York chapter of the Congress of Racial Equality. CORE? Yes, apparently it didn't die with the sixties. Fifty thousand dollars? Right on; the money was not exactly in hand, but it was in the budget. But why? Apart from a few small programs modeled on Head Start, CORE is not in the school business; and it's not exactly affluent.

Victor Solomon, CORE's director of educational affairs, says CORE was willing to scrape up the money for the same reasons parents are scrimping to

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Robert G. Hoyt is associate editor of Christianity and Crisis, *a biweekly journal of opinion.*

All the offensive stars and top QB's together simply cannot win unless they enjoy the benefit of consistent defense. Top offensive units can't score every series they have the ball. When they have to go one, two, three and kick on a few consecutive series, a good defense keeps the game in place so they can eventually execute their skills and get a shot at scoring. Without qualified defense the point spread (on the scoreboard, not in the betting books) gets too wide and the QB has to resort to too many "big play" approaches.

At this point in time the Giants have been able to muster a very representative defensive line. The Jets still have to do some screening to establish one. The linebackers on both clubs are the real defensive strength. As to the secondaries, traditionally manned by top athletes with real skills, both teams' secondaries will need a strong rush by the front four. You sense that the defensive secondaries are still not quite what the coaching staffs would like them to be.

Back on offense, the Giants have a very strong factor going for them in their excellent tight end, Bob Tucker. He is one of the better tight ends I have seen in my time and with the defense using so many variations of zones, he is a premium to have. Without getting clinical, you will notice some teams are beginning to throw more to the tight ends. I am surprised this wasn't implemented years ago as zone (area) defenses began to appear more frequently. A tight end like Tucker has an opportunity to get into various open areas against any kind of zone.

Looking at the two coaches, I point out that I know more about Walt Michaels than about John McVay. I coached against Michaels when he played (and he played very well) and when he coached. Walt is knowledgeable, committed, sound, and possesses a strong coaching background, starting with his work under Paul Brown, whom I consider one of the best to learn from. Walt is an excellent defensive coach with flexibility of thought and the ability to adapt a defense to the type of people he has, unlike a number of other coaches. This ability is evidenced by the resurgence of Barzilauskas at defensive tackle, so highly rated a few years ago but not effective since then. The blame can be attributed to the former defensive coaches who tried to get Barzilauskas to play the finesse game, that of "reading" or "keying" (reacting to the moves of the offensive linemen), instead of utilizing his great size, strength, and aggressiveness on the enemy line by penetrating into offensive areas. Michaels has him back playing that way.

Walt is also wise in establishing a running-offense mentality without precluding the pass game. This helps offensive linemen feel better mentally and physically by giving them an opportunity to "fire out" or "blast" at the opposition defense.

I haven't had much exposure to John McVay. He has impressed me by clearly defining his objectives, expressing them, and implementing them. Too often coaches merely give lip service to their theories. John appears inclined to open up the Giant offense, with the use of more "play action" passes. This says something to me: It helps the young Giant QB's slow the pass rush with the running fake, and I am sure they are aware of what it can do to certain defenses.

Both managements seem to have recognized the errors of the past and have hired football-oriented men to operate the clubs and to rebuild through the draft and by playing young people.

As a onetime coach and a full-time fan, I have tended to steer clear of preseason predictions. Back in 1963, I think it was, we were playing the Cleveland Browns out there in a crucial game. They'd beaten us in New York with Jimmy Brown having a big day. So before the game I said to my coaches, "Let's get the hell out of here." A coach doesn't do any good in those last few minutes. So we went out on the field and we looked up at that big scoreboard and I said, "Let's throw in $25 apiece and see which of us picks the most winners in the league today." There were seven or eight of us, all professional coaches and do you know, the best any of us got was three winners out of the whole league?

Having prepared my defense, I will now go out on a limb and predict both the Giants and the Jets will be improved and respectable ball clubs this season but that both will have a difficult time making the playoffs.

When they didn't:
Sherman's Giant coaching record was 57-51-4.

pay tuition. "So far we've served in an advocate role, trying to make the public schools better. Now we're beginning to think about alternatives. Other people have them; why not poor people, why not blacks?"

CORE looked at test scores, says Solomon, and found Our Lady of Victory pupils about one year behind national norms. Children at nearby public schools, drawn from the same population, were *three* years behind. "Also," he continued, "the parents perceive the school as much safer, much more disciplined. It's an anchor for them. Without the school, the community will deteriorate because the kind of people who care most are going to leave."

Noticeably, Solomon said nothing about religion. Neither, until prompted, did the pastor of the parish, Father Robert Stern, who originally backed the CORE proposal. Even under parish control the school had not been all that sectarian in religious education. Stern described the archdiocesan religion curriculum as "more Christian than specifically Catholic." Communion and confirmation classes were taught after school hours to those who wanted to come; black studies and sex education were taught under the rubric of ethics and values. In any case, Stern points out, more than 80 percent of the parents had no affiliation with the parish. The reason they desperately wanted the school to continue (to the point of picketing the chancery office) was not that the school was Catholic; it was because "they see it as secure, reliable, and academically superior. And it gives them a choice, which is something they don't have in most aspects of their lives."

St. Brigid's: *Graffiti-smeared wall; Sister Elaine, principal, helps student with math.*

Despite parental pleas and the picketing, Terence Cooke turned down the CORE request. It can be presumed that it wasn't the request for money that stopped him, because, from his track record, the cardinal does not seem reluctant to use the funds at his command to support education for the poor. He has instituted what is in effect a private tax system that skims 7.5 percent of the income from all parishes and spreads most of the take to inner-city parishes with schools; over the past five years that Robin Hood process has meant a redistribution of $12 million in Catholic wealth. But all this money stays within the system. The idea of giving up a Catholic school to secular control, while paying out Catholic dollars for the privilege, went a step too far.

But CORE and the parents refused to give up. They found new quarters for the school—known now as CORE Community School—in the Gramercy Boys' Club, three short blocks away. Though the teachers at Victory were offered new jobs within the archdiocesan system, all chose instead to sign up for a risky future with CORE, and all have spent the better part of the summer working with volunteer parents painting, patching, plastering, and replumbing the building, all without pay. Against all odds, some 180 pupils have pre-registered for the new school term, and Ed Callahan, who will be principal, says the school will open with a splashy press conference September 7.

Though he wouldn't go the last mile with Victory parents, Terence Cooke has done surprising things to help financially troubled parochial schools in New York City. There was a rumor, for instance, that late last year he carved up a meaty money pie among distressed parishes of his ten-county domain. I told a spokesperson for the archdiocese that the rumor was going to be printed; could it be confirmed? Reluctantly, yes. The amount, gathered "over a period of years," was $9 million. The donors were anonymous, and would stay that way. But the purpose, said the spokesperson, was no secret. "Overwhelmingly," the money went to keep schools going that would otherwise have had to close.

Cooke's sharing of dollars contradicts well-established precedent. Always in the past, parochial schools have survived by their own efforts or not at all. If bingo and bake sales didn't bring in enough to supplement school tuition and Sunday collections, that was the beginning of a sure end.

More significant than the innovation itself, however, is the judgment it revealed. Five years ago only a bishop willing to trust in incantations (which doesn't describe Cooke) would have risked hard-garnered capital on the future of Catholic education. Nuns were leaving their classrooms in herds; costs were shooting up; enrollments sagged dangerously; and morale was bad.

Today the figures speak otherwise. Of the 368 Catholic grade and high schools that operated last year in the New York archdiocese, all but five will be alive and functioning this year—and (except for Our Lady of Victory School) most of the students in the failing ones are already enrolled in other Catholic schools. Between 1971 and 1972, grade-school enrollment dropped a dismaying 6.2 percent; between 1975 and 1976, only 2.5 percent. Applications to Catholic high schools actually went up this past spring.

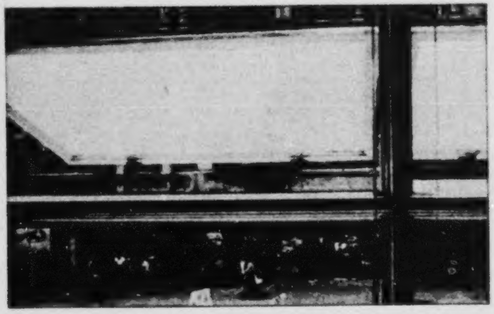
Terence Cooke's school policy does not fully explain these developments. Despite his infusions of cash, it costs parents more than ever before to patronize Catholic schools. Even in poor neighborhoods, in schools that certainly shared in Cooke's largess, average tuitions are $350 a year, and they can run as high as $600 per family—and higher still for children who aren't Catholic, or who come from outside parish boundaries.

Of the 18,421 students enrolled in the 47 inner-city Catholic grade schools in Manhattan last year, 14,369, or 78 percent, were from minority groups: blacks, Hispanics, Orientals, American Indians, "others." In 64 of the 77 inner-city parochial schools in Manhattan and the Bronx, the archdiocese describes the school populations as 50 percent or more "culturally deprived," meaning, in almost all cases, certifiably poor. In 36 of the 64, the proportion goes above 85 percent. What the parents of these pupils have to pay has to be hurting them. Yet it is basically their decision, not the cardinal's, that keeps the schools in action.

> "...Of 18,421 students in the 47 inner-city Catholic grade schools in Manhattan last year, 14,369 were from minority groups..."

By tradition, it might be assumed that these are parents fighting to pass the faith on to their children. Not so; many aren't even Catholic. The diocese estimates that 77 percent of all their pupils come from Catholic families, but there's reason to believe that such numbers wildly overstate the Catholic proportion. "You never tell the chancery office the truth in such matters," says Chicago's Father Andrew Greeley, a sociologist whose research has uncovered similar conditions in other U.S. cities.

St. Charles Borromeo: *Teaching the basics.*



Street life: *The world as seen from a classroom window at St. Brigid's School.*

It seems appropriate at this point to declare my own bias, since much of the balance of this piece rests on personal observation and judgment. I spent sixteen years undergoing Catholic education, four more years dispensing it in a Jesuit high school. Because it shaped me, down to my use of semicolons, I have a prejudice in its favor. But since the process also inflicted certain unforgiven scars on my psyche, I have a bias against the system as well.

According to Professor Thomas Vitullo-Martin of Teachers College, Columbia, recent research indicates that, especially in low-income areas, Catholic education has strong positive impact on academic and career success. Other studies show that, throughout the country, it has relatively slight effect on religious practice and belief. There is even some evidence that students who spend enough time in Catholic schools emerge better armored than their Catholic friends in public schools against such intellectual offenses as the present pope's birth-control encyclical. It isn't clear why; maybe a surfeit of religion inoculates the future adult against the abuses of religious authority.

There is a prima facie case against the thesis that Catholic schools do a good job of educating children; by current standards, it seems, they cannot afford to provide even minimal education. Last January, Monsignor Feeney reported to the National Catholic Education Association a 1975–76 enrollment of 104,361 in the 268 elementary schools of the archdiocese. He also reported total operating costs for these schools at $48,245,404.22, leading to an annual per-pupil cost of $462.29. I could not get a strictly comparable figure from the New York City Board of Education; the best they could come up with, after rooting through misplaced files, was a per-pupil cost for the whole system. The figure is—hold your wallet—$2,647.

Both per-pupil-cost figures are open to question. Public-school teachers have told me, for example, that the "average daily attendance" is, in fact, an inflated figure which includes sizable numbers of pupils who are long gone; this means the real school population is lower and the per-pupil cost higher than the official figures. In analyzing the Catholic cost figure, some allowance has to be made for contributed services. Salaries are lower not only for nuns (30 percent of the teaching staff) but also for lay teachers. In many schools women parishioners serve as teachers' aides without pay; in some, men do custodial work for free.

Hard data on the effect of these factors would be hard to get. It is still clear, however, that by parochial-school standards the Board of Education is lushly funded. The raw cost ratio between the two systems is nearly six to one. Allowing for contributed services, for the cost of services supplied to parochial-school students out of the public-school budget, and for the difference between grade-school and high school costs, it comes out that the parochial-school child is educated at a cost one quarter to one third the cost of educating the same child in a public school. According to Professor Vitullo-Martin, the gap is greater in some other cities where for every $1 the parochial school spends on one child the public system spends $8.

What about performance? What Victor Solomon discovered about the educational effectiveness of Our Lady of Victory is not rare; it's standard, not only in New York City but across the country. Comparison of standard test scores reveals that children in Catholic inner-city schools generally score higher on these tests than do children in public schools in the same neighborhoods.

Before I began my research, I thought I knew, partly from logic, partly from my own experience, why parochial pupils excel. I reasoned that Catholic schools can teach because they can keep order, and they can keep order because they can get rid of their problems. Then I visited St. Bernard's School, a gray, cavernous structure on West 13th Street. "I haven't dismissed a child in fourteen years," said Sister Mary Alphonsus Crimmins, the school's principal.

"There is no corporal punishment here. We do not keep children after school."

Sister Alphonsus is 70 years old, wears the traditional habit and thick glasses, has been a nun 54 years, and is energetic enough to tire an interviewer. The way pupils approached her while we talked made her entirely credible when she explained her system: "What we have is discipline without fear. Watch the children; they come and kiss me on the street. And we have the parents with us. They want what we want."

Her desk was piled with test scores just back from Science Research Associates (SRA), a national testing agency that serves the archdiocese. Sister picked up a stack at random and let me copy the SRA scores. I noted composite results for reading, language arts, math, etc., on tests taken by a class of seventh-graders in the sixth month of the school year. The national norm then was 7–6; a child scoring 8–6 is handling seventh-grade materials with the facility of an eighth-grader at the same point in the school year; a child scoring 6–6 is a year behind. These are the first fifteen scores I listed: 12–9, 10–1, 9–2, 8–4, 7–7, 10–5, 7–2, 6–6, 9–1, 10–1, 6–1, 6–7, 9–4, 10–4, and 11–7. In the meantime Sister Alphonsus chatted on happily about her reading lab, her library (4,200 books), her teaching methods (eclectic), the science-lab equipment, the field trips, the karate club, and about Arnold Falcone, the eighth-grader who had just taken first prize in a citywide essay contest.

Well, if the school doesn't kick out problem kids or flunk out slow learners, maybe it doesn't let them in — selective admission? Hardly. St. Bernard's sits between Eighth and Ninth avenues in the midst of warehouses, meat-processing shops, and factories. The school office lists 87 percent of the student body as "culturally deprived"; 89 percent, according to the school, are Hispanic; some speak little English when they arrive. Yet the school doesn't ask for Title I (tax-paid) remedial teachers; it doesn't have enough students far enough below grade level to qualify. "Why don't you cheat a little?" I asked. "I understand it's been done." Sister Alphonsus grinned. "I can't do it. It's my background."

I talked next with Sister Elaine Owens at St. Brigid's. Her school lives in a small, graffiti-smeared building on East 7th Street across from Tompkins Square. Ninety-seven percent of the pupils come from minorities — most are Hispanic: 99 percent are "deprived." Sister Elaine didn't have this year's SRA scores on hand yet, but in last year's tests no class averaged more than two months below national norms.

"...The schools I visited were all wildly different from one another —in looks, atmosphere, ideas about education and Catholicism..."

On the phone, Sister Elaine always sounds exhausted; in person, she's lively and relaxed. She is 36, of Irish and Lithuanian descent, and has been principal of St. Brigid's for ten years. In that time she has taken in a number of students who couldn't make it in public school. She, too, has yet to dismiss a student. I asked her about "Tom," a boy who was headed for a public-school disciplinary class or special school when he was brought to St. Brigid's. He had thrown a movie projector during a film in his school's auditorium. Why was he taken in?

"It was a hunch, really. Well, no, I liked the kid. He was gutsy. He knew what he liked and didn't like, and he'd say it. And he had a sense of humor. I think his trouble was that he'd got slotted with a bunch of acting-out kids."

St. Brigid's is a haven. The kids don't look culturally deprived to me. They look happy and purposeful. They ask confidently for what they want, they move around without confusion, they smile when smiled at. I wouldn't need test scorces to know it's a successful school. I asked Sister Elaine why.

To her, small is beautiful in schools. "You know, with Puerto Ricans it's a special cultural thing; the children just cannot get oriented in the big schools. When they're little they're just very terrified and lost."

With a small school, principals and teachers know a lot about every child and about the child's family. Sister Elaine picked up a class roster and commented on the family situation of each of the 34 children in the class. Thirteen of them she dismissed as "stable" or "okay." The rest of the list was terrifying:

☐ "Father O.D.-ed. The mother left the home when the child was three days old. The grandparents are doing their best. Very poor."

☐ "This family is stable, but the mother is in a very deep depression. Just got out of Bellevue. They're going to Puerto Rico this summer to see if it will help."

☐ "The mother's a junkie. Grandmother's a lovely old lady. I can always tell when the kids have been with the mother—they're dirty and sleepy."

☐ "Both parents drinkers. The kids are undersized and nervous."

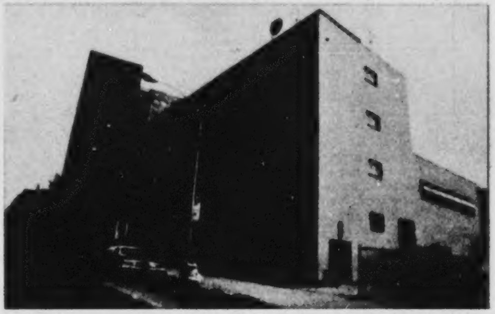
☐ "This child's dreadfully asthmatic —it kills you."

☐ "These two got married at sixteen and now they have four boys, one in second, one in first, one in pre-kindergarten, and a two-year-old. They're trying, but it's too much."

☐ "Four surnames in this family. But the mother has overcome tremendous difficulties. She's going to college."

I asked Sister Elaine again why St. Brigid's children learn. "Because they know I'll wring their necks if they don't!" Sister Elaine tried to look fierce. "Well, no, but there's a mystique that I might. Really, we push, we push hard. We have a strong belief they can make it. They need it; it's all they've got."

St. Charles Borromeo in Harlem is not much like St. Brigid's or St. Bernard's. It's a big rectangular box on West 142nd Street, so spick-and-span (not a graffito in sight) that it looks almost out of place in the neighborhood. I got there just after the school day closed. The halls were waxed and polished. The rooms—except for a few where children in neat uniforms were still working—were totally in order.



St. Charles Borromeo: *No graffiti in sight at this large Catholic school in Harlem.*

Discipline at St. Charles is tight, as far as I can learn, and there is a strong, explicit emphasis on religion, though four out of ten children are non-Catholic. A few days earlier I had talked with a Protestant mother whose son is now enrolled in the school and whose daughter had become a Catholic while a student there. "I didn't mind," she said. "I'm happy to be a Baptist, but she's a big girl now, that's her choice. And I certainly respect Sister Irene."

Sister Irene Ryan is a new principal, a little shy about talking with reporters but clearly a strong woman with settled views. She is sure the school is fulfilling its mission. The enrollment includes 489 blacks, 40 Spanish; the diocese classifies 95 percent as "culturally deprived." Yet there are no Title I teachers—"there is no call for it." Sister Irene credits parental support, a dedicated faculty that is racially integrated and religiously mixed, and the school's philosophy of self-discipline: "We talk about leadership a lot, and about self-control. It's not 'Irene-control.' I don't want them worrying whether Irene is coming down the hall. The only discipline worth having is the power to control your own powers."

The point of my investigations was to try to find out why the schools work. One reason is autonomy. The New York Catholic schools I visited all were wildly different from one another—in looks, style, atmosphere, ideas about education, and (not least) attitudes toward Catholicism. This heterogeneity comes about because the Catholic school system is not a system at all but a rather loose confederation of highly independent units. There is no giant bureaucracy to force them into uniformity. At the superintendent's office I got one sheet of paper listing the names, titles, and staff relationships of all the professional educators who work directly under Monsignor Feeney—all 25 of them. Since there are about 150,000 pupils in the New York Catholic schools, there is one central-office administrator for every 6,000 students. Consider that the New York City public-school system enrolls about 1,055,000 students, and that (as the papers keep reporting) there are 4,000, 5,000, or maybe more people in the system with administrative jobs. Say it's 4,500; that would mean one administrator for every 234 students.

These figures are for playing with. Suppose the 4,500 public-school administrators get an average annual salary of $15,000; that's $67 million to start with, and you still haven't provided them with desks, paper clips, and health insurance. In contrast, the Catholic central office estimates its annual operating cost at $250,000. What this suggests is that a lot of money spent for educational administration may not bring much in the way of educational results. It doesn't seem out of line to surmise that these administrators are damaging education rather than helping it, simply by getting in each other's way and by coming between principals and teachers and students, between parents and the whole system. Catholic schools may look hatefully autocratic, and sometimes they are; at least you know whom to hate. In short, the Catholic schools are genuinely decentralized, and this is one reason for their relative success. Whatever may be lost in particular kinds of expertise is more than made up for by gains in flexibility, accountability, and time to teach.

The other obvious source of Catholic schools' success is the parents, or, more precisely, the relationship between the parents and the schools. Parents who pick a school will follow up their investment, identify with the school, and try to help their children learn. A recent study done by David Morton, a University of Rhode Island researcher, for the Rhode Island Department of Education (which wanted to find out why parochial-school pupils were doing better than their public-school counterparts) established that parochial students do get more parental help on the average.

What's the moral? For me it doesn't have much to do with the sterile debate over tax aid for religious schools. If the focus is on schooling rather than law, it's clear that Catholic inner-city schools are providing a yardstick to measure performance that could be useful to other schools and to the public but that is, in fact, not being used. It's also clear that it's good to give people choices.

Monsignor Feeney, who meets regularly with representatives of the Board of Education, says, a bit wistfully, that their conversations are strictly business, focused on contractual relationships between the two systems rising out of federal and state programs. "I wish we could talk sometimes about education," he says. It might be a good idea. The conversation might start with some words of Victor Solomon: "Other people have alternatives. Why not poor people? Why not blacks?"

Father Farrell. Second, I would like to submit a detailed report on our problems with regard to the Title I bypass it exists in four States where non-compliance has been the case. [Retained in subcommittee files.]

With this summary, I would also like to say that we are here to answer any questions that might be on your mind so that we can help to clarify our position.

[The written statement of Father Farrell follows:]

Statement of

Father Patrick J. Farrell
Representative for Elementary and Secondary Schools
United States Catholic Conference

Before the
Subcommittee on Elementary, Secondary, and Vocational Education
Committee on Education and Labor
United States House of Representatives

Wednesday, September 21, 1977

Accompanied by:

Richard Duffy
Representative for Federal Assistance Programs
Department of Education
United States Catholic Conference

Gerald Tobin
Assistant General Counsel
United States Catholic Conference

Mr. Chairman and Members of the Committee:

I am Father Patrick Farrell, the United States Catholic Bishops' Representative for Elementary and Secondary Schools. I speak today on behalf of the eleven thousand elementary and secondary Catholic schools of this country, for the 3,315,000 children who attend them, as well as for the millions of people, parents and other adults who support them. My statement today is meant to offer you the recommendations of the Catholic School Community as they relate to the revision and extension of the Elementary and Secondary Education Act and related education statutes.

Catholic Schools, while not as numberous as public schools, are a pervasive reality in our society. They can be found in countless rural hamlets, small towns, and in our great urban centers. No where is this presence as palpable as in our cities. Even with the much publicized problems of parochial education, the Catholic School system is still educating two out of every six children in our largest cities. In the ten major urban centers of this country there are over thirty-two hundred Catholic schools. In areas designated by the Federal Government as target areas needing special educational services, you will find Catholic schools at every turn. In New York, we have one hundred forty-seven such schools; in Chicago, there are seventy-nine inner-city schools; in Lost Angeles, our core city presence includes ninety-two schools. These statistics could be expanded for other major metropolitan areas.

The reason for our long historical presence in such areas is quite simple. We believe this is where the Church belongs. We believe we have an important role to play in helping break the cycle of poverty. It has not been easy to keep this commitment. We know that, if we are not there, many will find their lives more desperate and their futures more confined. I have heard from urban planners and people on the street in neighborhood after neighborhood of these cities, the same often repeated statement, "If you take away the Catholic School the viability of this local community will be in serious doubt." I believe this too.

We consider this responsibility to remain in the city centers a very serious one. This involves a strong collaboration with public education. We know we are partners with public education. A poor person's opportunity to choose is a first step toward enhanced human dignity. Catholic education provides that choice. Having an alternative education system helps the individuals, but it also helps public education continue to strive for excellence.

In financial terms, the contribution of nonpublic schools to American education is impressive. Last year, the Federal Government estimated that nonpublic elementary and secondary schools spent 6.6 billion dollars. The vast majority of these nonpublic schools are Catholic schools. In the city of Chicago, as one small instance, black parents in the center city are contributing eight million dollars annually to support Catholic schools. I understand that is sixteen times as much as that same community contributes to the Reverend Jesse Jackson's Operation Push.

These efforts have not been in vain as New York Magazine, September 12th issue of this year tells a tale of another city, the nation's largest. I would like to share with you some of what was reported in New York.

> "Of the 18,421 students enrolled in the 41 inner city Catholic grade schools in Manhattan last year, 14,369 or sixty-eight percent, were from minority groups; blacks, Hispanics, orientals, American Indians, in sixty-four of the seventy-seven inner city parochial schools in Manhattan and the Bronx, the Archdiocese described the school population as fifty percent or more culturally deprived meaning in almost all cases certifiably poor. In thirty-six of the sixty-four, the proportion goes above eighty-five percent. What the parents of these pupils have to pay has to be hurting them. Yet it is basically their decision, not the Cardinal's, that keeps the schools in action."

> "According to Professor Thomas Vitullo-Martin of Teachers College, Columbia, recent research indicates that, especially in low-income areas, Catholic education has strong positive impact on academic and career success."

> "What about performance? ... it's standard, not only in New York city but across the country. Comparison of standard test scores reveals that children in Catholic inner city schools generally score higher on these tests than do children in public schools in the same neighborhoods."

The author continues:

> "Before I began my research, I thought I knew, partly from logic, partly from my own experience, why parochial pupils excel. I reasoned that Catholic schools can teach because they can keep order because they can get rid of their problems. Then I visited St. Bernard's School, a gray, cavernous structure on West 13th Street. "I haven't dismissed a child in fourteen years," said Sister Mary Alphonsus Crimmins, the school's principal. "There is no corporal punishment here. We do not keep children after school." Sister Alphonsus is 70 years old, wears the traditional habit and thick glasses, has been a nun 54 years, and is energetic enough to tire an interviewer. The way pupils approached her while we talked made her entirely credible when she explained her system: "What we have is discipline without fear. Watch the children; they come and kiss me on the street. And we have the parents with us. They want what we want."

With your permission, Mr. Chairman, I am submitting a full copy of this article for the record.

We have known for some time what these schools were doing against incredible odds. It is gratifying to see them receive so much needed recognition for a job well done.

It might not be a surprise that our students do quite well on standardized testing when compared to other urban students. However, it still might surprise some here that we do it for one-third the per pupil cost of public schools. Yes, we rely on volunteers. Yes, we cannot afford many of the beautiful extras. But an austerity budget does not mean that we cannot build excellence, pride, a sense of self and a sense of one's responsibility to the community. Recently our schools were studied to see what kind of graduates we produced. One of the most satisfying pieces of information was the conclusion that students who attend Catholic schools for a significant period of their lives are more hopeful. They feel a responsibility to create a better world and they feel they have the skills to contribute to that work. Our children tend to remain in the local community and contribute to it's development. We believe these schools belong to the people and the people believe this also. If you want to know how strongly local people feel about their schools, ask any Catholic official who has tried to close one. I remember talking to a priest whose school was in the center of great disruption following the death of Martin Luther King. His neighborhood was in flames. He looked out the window and there surrounding the school building were the parents of children who attended that school. Their presence quietly spoke their investment in that school; not a window, not a brick was disturbed.

If you catch my pride in these words as they relate to these schools, you have not been misled. That is why I am here today, to see what we, in the Catholic School community, can do to contribute to the revision of ESEA so that we can increase our opportunities to participate.

Mr. Chairman, you have graciously invited us, as representatives of the Catholic school community, to express our views on H.R. 15, a bill to extend certain elementary and secondary education programs which are due to expire in the near future. We greatly appreciate this opportunity and would like to begin by explaining our general attitude toward these Federal programs.

Most of the more important programs currently under consideration by your Subcommittee were initially authorized by the landmark "Elementary and Secondary Education Act of 1965," commonly referred to as ESEA. In our view, this was landmark legislation in three respects:

1. It represented a major leap forward in the Federal Government's commitment to provide significant financial aid to the elementary and secondary school children in this country;

2. It was developed within a conceptual framework that focused Federal benefits on a class of educationally disadvantaged children whose needs were not being adequately met by either state or local efforts;

3. It established basic Federal education policy on the sound foundation of benefits to children rather than to institutions.

As a result, this categorical aid legislation included an important requirement that children attending nonpublic schools, who otherwise qualified, were to receive benefits comparable to the children attending public schools. These benefits take the form of secular, neutral, nonideological services, materials and equipment provided through and under the control of public agencies. Since the enactment of ESEA, this Congressionally mandated policy of comparable treatment of nonpublic school children in Federal aid to education statutes has been both expanded through its incorporation in newly enacted laws, as well as strenthened in terms of improved statutory provisions in new and existing laws. This has largely been accomplished through the leadership of your Committee, Mr. Chairman.

It is also important to note that this approach to Federal education assistance for nonpublic school children has enjoyed strong and continuing bi-partisan support in Congress. It represents an ingenious compromise which has successfully resolved a longstanding political debate that has existed for many years prior to 1965.

However, there is a good deal more that could be accomplished legislatively within the framework of ESEA. A review of existing Federal elementary and secondary education statutes should include an evaluation that they meet the best ESEA standards, in regard to providing for the equitable participation of nonpublic school children. In addition, new Federal education legislation of a categorical nature, should provide for the equitable participation of nonpublic school children.

There is a definite need to improve the administration of Federal education programs especially as they affect the participation of nonpublic school children. The implementation of the nonpublic school provisions of Federal education statutes by the Department of Health, Education and Welfare, has very often left much to be desired. Our testimony will provide you with a detailed explanation of these administrative problems as they affect nonpublic school children.

Finally, we think it is appropriate to speak to the issue of program "consolidation" as potentially a major problem to be addressed in the current revision of ESEA.

We in the Catholic school community appreciate the interest of this Committee and the new Administration to take the necessary steps to simplify the literally vast array of Federal education program which have grown up over the years since the enactment of ESEA. There definitely seems to be an overwhelming need to reduce the paperwork, reallocate staff, and standardize procedures and regulations. We have a great deal of empathy with our colleagues in the public school sector who bear all of the burdens of the excessive red tape which we, like them, are convinced inhibit the services being provided to children. We would be very supportive of your Committee's efforts to remedy this situation.

However, our support must be conditioned by our concern that any changes of this nature would have to include adequate provisions for the effective participation on an equitable basis of nonpublic school children in all Federal education programs. From the testimony which we have presented thus far, it should be obvious that for such provisions to be adequate, Federal education program reforms, simplification or consolidation must in no way alter the basic Federal, state and local relationships as they have evolved in law and practice over the past several years. State or local discretion on the expenditure or use of Federal education funds must continue to be limited to insure that the children in both public and nonpublic schools for whom Congress intends the benefits,do in fact receive those benefits. Congress must continue to provide the necessary enforcement mechanisms to guarantee this. In particular, Congress must continue to provide the necessary administrative mechanisms and remedies to provide for the provision of Federally funded services to nonpublic school children if it is impossible to find a means to accomplish this through the SEA or LEA.

In developing the "Education Amendments of 1974" (PL 93-380), your Committee was largely responsible for initiating a rather significant consolidation of then categorical programs. In our opinion, this was accomplished within the context which we have just described. In the intervening period since the enactment of those amendments, we have no evidence of a serious reduction of services to the children of nonpublic schools as a result of that consolidation. If this Committee approaches the problem in the same careful manner which it did in 1974, we could be reasonably certain that there would be no negative impact on the children in the nonpublic school sector.

Furthermore, we would like to note that in considering the consolidation of existing categorical aid programs which do not have specific provisions for the participation of nonpublic school children, such consolidation should be done in a way which would include such a requirement.

Participation of Nonpublic School Children in Federal Education Programs

In assessing the participation of nonpublic school children in Federal education programs, it should be noted that neither the Department of Health, Education and Welfare nor the United States Office of Education has reliable information regarding the numbers of such school children eligible to participate or actually participating. Although Congress has mandated the equitable and comparable participation of nonpublic school children in these programs since 1965, no agency of the Federal government has ever undertaken an evaluation to determine to what extent nonpublic school children are participating. Attempts at trying to have one of several of such agencies, e.g. the National Center of Educational Statistics, or the various program offices of the Office of Education undertake assessments of nonpublic school participation in the specific programs for which they are eligible have been to no avail.

The two notable exceptions to this situation are:

1) the old ESEA Title II program (currently Title IV-B) from which there has always been fairly accurate data available and

2) the current and yet uncompleted effort of National Institute of Education to evaluate the Title I program.

"The Education Amendment of 1974" mandated a study by N.I.E. to assess and evaluate various aspects of the ESEA Title I program which we understand will include an evaluation of the participation of nonpublic school children. We are hopeful that the results of this study will provide us with the necessary data to determine to what degree the intent of Congress is actually being implemented in at least one very important program.

Given the limitations of the information available from official sources and the lack of resources within the nonpublic school community to obtain precise information from scientifically valid studies, we can only share with you our conclusions based primarily on the experiences of the Catholic school administrators responsible for monitoring the implementation of Federal program services for their students.

ESEA TITLE I

A report of N.I.E., published on July 30, 1977, describes the compensatory education services provided by a cross section of the 1,400 school districts that receive ESEA Title I funds. The report states the following:

> "Ninety percent of America's school districts receive Title I funds. Title I services go primarily to elementary school students in public schools, and twenty percent of the elementary school students in Title I districts receive compensatory education services...Less than four percent of private school students receive Title I services: in fact, only forty-three percent of the Title I districts that contain private schools provide Title I services to private school students".

The report further states:

> "Many school districts apparently have difficulty in delivering compensatory services to nonpublic school children. Those difficulties may be due to reluctance to let funds leave the public system or to problems in identifying Title I eligible students in private schools and organizing special programs for them. The problems encountered are illustrated by the fact that only 43% of Title I districts with nonpublic schools students are providing Title I services to any of these pupils. Title I funded compensatory services are provided to 116,218 nonpublic school students. This represents an estimated 47% of the nonpublic school students living in Title I districts. These participants are usually selected by the nonpublic schools, and Title I resources are then used to provide compensatory instruction within these schools. Participating nonpublic school pupils receive an average of approximately one hour per week of compensatory instruction". (Emphasis Added)

The report reveals a picture of the poor participation afforded nonpublic school children in Title I programs across the country. Information from Catholic school sources on the 1976-1977 school year from large urban school districts reveal a different picture of the participation of nonpublic school children in the ESEA Title I. More than half of the Catholic school officials in these urban areas indicate that the participation of parochial school children in the ESEA Title I to be good. Nearly a third of them indicate that participation has been improving. The remaining indicate consistently poor participation. We do not consider this kind of information to be necessarily inconsistent with the results reported in this NIE study, because our experience over a number of years has shown that participation of nonpublic school children in the Title I programs of smaller school districts has always been poorer than in larger school districts.

Those who reported good participation indicated that the factors which contributed to this were the positive personal and professional relationships between nonpublic and public school officials early involvement of appropriate nonpublic school representatives in the planning and program design; and the fact that services and activities were generally accessible to parochial school children children at their own school.

Those who assessed their participation as mediocre and poor indicated there was little or no involvement of appropriate nonpublic school representatives in the early stages of the program planning and design; there was little or no prior needs assessment of the private school children; i.e. the local educational agency designed a program to meet the needs of its own children and invited nonpublic school children to participate whether or not its program was designed for the needs of those children.

In general we would conclude, as we did in our testimony before this Subcommittee in 1973, that there continues to be progress made toward ensuring that eligible nonpublic school children participate equitably in the educational services provided by the Title I program. However, after twelve years of implementation there remains an unjustifiably high rate of poor or no participation in a large number of school districts throughout this country. We will address these problems specifically in a separate part of this testimony.

ESEA, Title IV-B

Historically the participation of nonpublic school children in the "Old Title II" program was consistently good and was assessed by private school officials as the most equitable program devised by Congress for it provided assistance for almost all nonpublic school children. The newly consolidated Title IV-B program was broadened substantially in 1974 to provide a wider range of services including educational equipment, instructional materials, guidance, counseling, and testing as well as text books and library resources.

Parochial school officials continue to rate this program as the most equitable and fair in providing services and benefits to nonpublic school children. However, there are limitations under the Title IV-B program since it has changed from a State administered to a locally administered program. Presently, if for some reason, a local education agency is unable, ineligible or unwilling to participate in the Title IV-B program, such a failure to participate automatically denies benefits to children attending private schools within that LEA. Such a denial of benefits to private school children was avoided under the "old Title II" program because the SEA could authorize a neighboring LEA or an intermediate educational unit to administer the program for the children attending private schools within a LEA which was not a recipient of Title II funds.

A second problem related to the Title IV-B program is the lack of funds at the local level to adequately administer the various aspects of the program. The lack of administrative funds has placed a burden on public school officials which is causing long delays in the processing of project applications and the ordering of materials.

Under the "old Title II program" local educational agencies were permitted to use a percentage of the Title II allocation for administering the program for both public and private schools. Most LEA's now regard the Congressionally imposed task of monitoring and supervising the Title IV-B program for the benefit of private school children as a burden since there are no funds available to administer the program. Permitting local educational agencies to use a reasonable percentage of the Title IV-B program for administration, in our opinion, would rectify this situation.

ESEA, Title IV-C

In previous testimony before this Subcommittee, the representatives of the Catholic school community indicated that the participation of nonpublic school children in the old ESEA Title III programs was seriously deficient. Our information on the current situation indicates that although there has been an improvement in attempts to consult with nonpublic school representatives in developing "innovative" programs under Title IV-C (formerly authorized by ESEA, Title III), the actual rate of participation of nonpublic school children in these programs still leaves much to be desired. For example, in a very recent survey of public school districts, Catholic school officials reported participation in only fifty percent of Title IV-C funded projects. It should be noted that these projects were funded in areas where nonpublic schools existed.

For more than ten years it has been our experience that it is more difficult to insure the equitable provision of services to children attending nonpublic schools in programs which are implemented through a competitive grant process rather than a process of entitlement at the State or local school district level. There are many reasons for this. The local public school district is the legal recipient of Title IV-C funding for "innovative" programs. Funding decisions are determined through a highly competitive process of submitting project applications from the various local school districts to the SEA. These school districts develop project applications to conform to specific guidelines and stringent time lines developed by both the State and Federal education authorities. This results in the writing and submission of very large numbers of such applications within each State. In order to insure that such projects are designed to insure the participation of nonpublic school children, there should be very careful consultation with the appropriate representatives of nonpublic school children. Given the lack of necessary personnel in both the public and nonpublic school secters to accomplish this, it will not be done unless there are very clear procedures established at both the State and Federal levels to require it. Where there has been weak enforcement of the Federal Regulations by either Federal or State education officials, participation has been entirely inadequate. Unfortunately our information indicates that this remains to be the case in most school districts participating in Title IV-C programs throughout the country. The standard practice continues to be that public school educators plan and design programs to meet the needs of their own children and then invite the nonpublic school students to participate. This results in programs being developed which simply do not relate to the educational requirements of the nonpublic school children. As a consequence, participation remains poor and inadequate. In our recommendations, we will provide this

Subcommittee with some specific remedies for correcting this situation.

ESEA, Title VII, Bilingual Education

In 1973 the U. S. Catholic Conference testified before this Subcommittee concerning the extremely poor participation of eligible parochial school children in programs authorized by ESEA, Title VII. We stated at that time "that the intent of Congress to provide for the effective participation on an equitable basis of nonpublic school children and teachers in Title VII projects has neither been seriously implemented by local educational agencies, nor reasonably protected by the Office of Education." We are sorry to say that the state of affairs has not improved. In fact, the situation has worsened since we testified in 1973.

Bilingual education is one of the few programs under the Elementary and Secondary Education Act which receives its direct approval for funding from the U.S.O.E. Local educational agencies submit project applications directly to the Office of Education and such projects are read, approved, and funded directly from Washington.

The U.S. Catholic Conference recently reviewed 341 LEA project applications for funding under ESEA, Title VII. All of these project applications were approved for funding for FY '76 by the USOE. Our review showed that 205,657 public school children were participating in the bilingual education projects while some of these same projects were providing participation for only 4,486 nonpublic school children, i.e., roughly 2% of the children were from nonpublic schools.

The law requires that local educational agencies provide for the participation of eligible nonpublic school children in these bilingual education programs. Any local educational agency submitting an application for funding must include a statistical data sheet which reports the number of children the project intends to service and the schools which these children attend. Very few applications planned to provide for the participation of nonpublic school children.

Since the U. S. Office of Education is the funding agent for this particular program and since the law and the regulations require the participation of nonpublic school children, we think it is legitimate to ask why were so many projects approved and funded without the required participation of nonpublic school children? We have repeatedly brought this problem to the attention of USOE but have never received a satisfactory response. Why doesn't USOE question a local educational agency which clearly does not provide for the participation of nonpublic school children? Why doesn't USOE, in reviewing the projects approved and funded, verify the accuracy of the data submitted by the LEA on its project application relative to the number of public and nonpublic school children participating in the project? We can only conclude that USOE officials do not take the Congressional mandate to serve nonpublic school students seriously.

In 1974 when Congress amended the Bilingual Education Act, it specifically restated its intent with regard to the participation of eligible children enrolled in nonpublic schools in the Conference Report on H.R. 69:

> "It is the intent of this legislation that the eligible children enrolled in nonpublic schools share equitably in the benefits of this program. This can be accomplished not only by sharing in teacher training programs but by utilizing specially trained public school personnel who would be necessary for the implementation of a quality bilingual education program."

In our opinion, this intent has been clearly thwarted in the administration of the program for the last ten years by the U.S.O.E.

The Catholic education community has also expressed a strong concern about a problem related to bilingual education. There appear to be large numbers of non English speaking students, especially in the urban areas, who do not qualify for Federal education program benefits under ESEA Title I, VII or the Reading Improvement Act. We think that this problem may be serious and widespread enough to be considered a national concern possibly justifying Congressional action. If this is found to be the case a solution could be found either by extending the benefits to this category of students through amending Title I, Title VII and/or the Reading Improvement Act, or by creating an entirely new categorical program to provide the necessary services. In addition, there would have to be adequate funds provided through the appropriations process.

Other Programs

We have not been able to ascertain adequate information from which we could generalize concerning the participation of nonpublic school children in programs authorized by either the "Indian Education Act" or the "Reading Improvement Act". If we are able to do so, we will submit it for the record at a later time.

In regard to programs authorized by the "Special Projects Act", we would like to make the following observations. Most of the programs authorized by this Act do not include specific provisions for the participation of nonpublic school children. We have interpreted their intent, however, to allow for such participation while not mandating it. In approaching the responsible officials within the USOE concerning their attitude toward this interpretation, they have informed us in no uncertain terms that unless a Federal education statute makes specific provision for the participation on nonpublic school children, they will not consider it permissible. In our opinion, this states the case for the need for such a provision in each categorical program authorization.

Major Problem Areas and Recommendations

In light of this assessment, it is evident that the major problems encountered in dealing with the participation of nonpublic school children in Federal education programs has been the administration of these programs. In our opinion, Congressional policy and intent is clear and has been reaffirmed and strengthened repeatedly since the inception of ESEA in 1965.

HEW AND USOE ADMINISTRATION

The implementation of the nonpublic school provisions of Federal education statutes by the Department of Health, Education and Welfare, and specifically the USOE has too often been totally inadequate. The reasons for this problem are varied. Some are of a general nature and would apply equally to other requirements of the statutes, as well as those pertaining to nonpublic schools. However, there are other problems peculiar to the nonpublic schools.

Education officials of HEW and USOE are drawn almost exclusively from the public education sector. Very often, they are simply not oriented to being responsible for children in nonpublic schools. Because effective implementation of ESEA type programs for nonpublic school children depends on the cooperation and good will of state and local public school officials, these Federal officials often get caught in serious political binds with their public school colleagues. Furthermore, these Federal officials are strongly inclined to depend solely on their fellow state and local public school colleagues for consultation in the process of developing regulations and guidelines for implementing Federal education programs. This often results in regulations which are inadequate in dealing with the special needs of nonpublic school children. Finally, it should be noted that some of these Federal education officials simply disagree with the requirements to serve nonpublic school children in Federal statutes and will only comply with them to a minimal degree. In general, there has been a gradual improvement in regard to the implementation of these laws over the years, largely as a result of those USOE officials who have worked hard for the fair treatment of nonpublic school children. However, a great deal more must be done.

We hasten to add that we recognize that for the first time in eight years we are dealing with a totally new Administration which we are very hopeful will demonstrate a greater sensitivity to the rights and needs of the children who attend the nation's nonpublic schools. If this is the case, we hope that this leadership at a policy level will modify the behavior and attitudes of certain elements within the civil service which have historically acted to inhibit the provision of benefits to nonpublic school children.

There are numerous examples of the kinds of problems which the nonpublic school representatives have encountered with Federal education officials in seeking some sort of equitable treatment for the children whom they represent. For our purposes here and for the record, we will limit ourselves to providing you information on what we consider the most dramatic examples within the most important program; namely, ESEA Title I. For the twelve years since ESEA was first enacted, there have been several states where nonpublic school children not only have been treated inequitably but have received few, if any, services. Because of the serious nature of these problems, the Congress saw fit in "The Education Amendment of 1974" to incorporate a bypass provision in the law to allow the Federal Government, if necessary, to make arrangements through other than the state and local authorities to provide these services to the nonpublic school children. The attempts of the nonpublic school community since that time to either resolve these problems at the local or state levels, or through the implementation of this new bypass provision clearly demonstrate the kind of problems we have been experiencing with USOE. The following is a brief summary of those experiences. It should be noted that in each of these cases, there were several months or more of efforts to resolve the problems locally before there was a formal request made to the Commissioner to implement the bypass provision.

Missouri

The initial complaint was filed with the U.S. Commissioner's Office in January, 1976. The bypass was invoked in August of 1976 in four local educational agencies. One of the agencies requested a hearing on the Commissioner's findings of fact. The Office of Education published RFP's (Requests for Proposals) on December 23, 1976. Contracts under the RFP's were awarded on February 15, 1977. Nonpublic school children in two of the local educational agencies in Missouri began to receive Title I services in early April of 1977.

In the third bypassed LEA, the contractor used the funds to make a needs assessment of nonpublic school children and to plan for the 1977-78 school year.

In May, 1977, the LEA which previously requested a hearing recalled its request. The Office of Education published a RFP and, at this juncture, has under consideration several proposals submitted by outside agenices to provide Title I services to eligible nonpublic school children in that LEA.

It took the USOE almost a year and a half to provide services to nonpublic school children in only four local educational agencies.

There are close to seventy other local educational agencies in the State of Missouri which are not in compliance with Title I and are not providing services to eligible children attending nonpublic schools. The USOE still has the task of investigating each LEA and making the determination to implement the bypass, issue an RFP, select a contractor, and begin to serve the children.

Oklahoma

Nonpublic school officials in Oklahoma on February 3, 1976, requested the U.S. Commissioner of Education to invoke the bypass in that state.

The Commissioner of Education notified the State Education Agency of the complaint on April 23, 1976, and recommended resolving the problem at the local level. Months of discussions, meetings, letter writing, press conferences followed with no resolution.

On November 11, 1976, nonpublic school officials again requested the Commissioner to initiate a Title I bypass in Oklahoma. The U.S. Commissioner of Education again recommended resolving the problem at the local level.

In January, 1977, the Tulsa Public School District amended its 1977 Title I application to provide services to nonpublic school children as soon as a mobile classroom unit is ordered and in place.

Discussions continued in Oklahoma City to resolve the problem. On April 22, 1977 twelve years after the enactment of ESEA, the Oklahoma City Public School District agreed to provide for the participation of nonpublic school children in Title I programs in its 1978 project application. The problem was resolved after 15 frustrating months.

We feel that the problem could have been resolved just as favorably if the USOE had exercised its authority sooner.

Virginia

The U.S. Commissioner of Education in January, 1976, received a complaint from nonpublic school officials in the State of Virginia, requesting the Commissioner to invoke the bypass in that State because local educational agencies were not providing for the participation of eligible nonpublic school children in Title I. After many months of unanswered correspondence, numerous phone calls, meetings between nonpublic school officials, the USOE, on September 2, 1977, indicated that a final decision concerning the implementation of the bypass would be made no later than September 25, 1977.

It has taken nearly two years for USOE to take serious action and the problem is not yet totally resolved. There are many other local educational agencies throughout the State of Virginia which are not in compliance with Title I and are not providing services to eligible children in nonpublic schools. USOE still has the task of investigating each LEA and making the determination to invoke the bypass in the event of a substantial failure to comply with Title I vis-a -vis nonpublic school children.

Wisconsin

The nonpublic school officials in Wisconsin, in January 1976, requested the U.S. Commissioner of Education to invoke the bypass in the State of Wisconsin. Local educational agencies in that State were alleged to be out of compliance with Title I by substantially failing to provide for the equitable participation of children attending nonpublic schools. Again, there is a long history of unanswered correspondence, and endless rounds of meetings. To this date, September 21, 1977, the U.S O.E. has not as yet informed the Chief State School Officer that there is a complaint lodged against the State of Wisconsin.

The USOE is just beginning to respond to the many letters from the Wisconsin Association of Nonpublic Schools regarding the problem. On September 15, 1977, a team of program officers from the USOE began to investigate several LEA's in Wisconsin. They will study the facts, issue a report, and recommend whether or not the Commissioner of Education should invoke the bypass against the several local educational agencies. If the Commissioner determines to invoke the bypass, the earliest possible date that the bypass could be in place and services provided to educationally disadvantaged children in Wisconsin would be late in the second semester of the 1977-78 school year. It will have taken more than two years to resolve the Wisconsin problem.

The evasiveness and the unresponsiveness on the part of USOE toward the legitimate concerns of the nonpublic educational community has had a negative influence on both state and local educational agencies, i.e., these same agencies have, in some parts of the country, adopted the same attitudes toward the nonpublic educational community they see reflected at the federal level. We are submitting, as an addendum to this testimony, a more detailed description of the efforts made to resolve these problems.

It is well to point out that the problems which we have described here span both the previous and present Administrations. We have perceived a greater willingness on the part of the present Administration to respond to our complaints. However, because these and many of our other problems with the USOE remain unresolved, we consider it premature to draw any conclusions about the long term commitment of this Administration to insure that nonpublic school children receive the benefits to which they are entitled. We are hopeful we will be able to report favorably in some future testimony.

Since Administrations come and go, the Catholic School Community urges that certain specific actions be taken by Congress to insure that the long standing inequities which we have described may be corrected and that the Congressional mandate for the participation of nonpublic school children will finally be fully realized. In our opinion, the problem basically stems from a lack of adequate procedures and personnel within HEW to implement this mandate. Consequently, we strongly recommend that the following actions be taken in the current revisions of ESEA: That Congress require HEW and/or USOE to:

1) Develop formal procedures published in the Federal Register for ascertaining information on the participation of nonpublic school children in all Federal programs that require such participation.

2) Develop formal procedures published in the Federal Register for disposing of complaints and/or actual cases of noncompliance with any provision for the participation of nonpublic school children in all Federal programs which require such participation.

3) Demonstrate to Congress through a report to the House Committee on Education and Labor and the Senate Committee on Human Resources that there is a process of consultation with appropriate nonpublic school officials comparable to that followed with public school representatives in dealing with Federal procedures affecting their respective school children.

4) Create within the Office of Assistant Secretary for Education, a new position of "Deputy Assistant Secretary for Nonpublic Education" to coordinate the educational efforts of HEW with those of other Federal agencies as they impact upon the nonpublic school community and to insure that educational policy development within HEW and the Administration is both sensitive and responsive to the special needs of the nonpublic school community.

5) Create within the USOE a new position of "Deputy Commissioner for Nonpublic Education" to carry out the development and implementation of the procedures suggested above and to have the authority within USOE to insure that, in fact, program officers are fully complying with Congressional mandates to serve nonpublic school children.

If these recommendations, together with those relating to specific program areas below, are acted upon by Congress, we, in the Catholic school community, are confident that significant progress will be made in the near future in resolving the problems of insuring equity and justice for nonpublic school children.

TITLE I

A. Bypass

1) Bypass Procedures:

Experience with the Title I Bypass shows that there can be long delays in receiving responses from USOE to request for the implementation of the bypass from nonpublic school officials. The delays can be attributed to the lack of procedures to handle complaints in the bypass area. The present law, while setting out procedures to be followed when a bypass determination adverse to an Lea is made, contains no statutory language establishing procedures for the handling of complaints received by USOE from the nonpublic sector. The result is that, after having received a complaint from the nonpublic sector, USOE has no procedures or time limitations to follow in processing such a complaint. If USOE were required by statute to establish procedures with time limitations, the nonpublic school children eligible for Title I services would be assured of a prompt investigation and resolution of complaints. Without such procedures future delays in providing needed services to eligible nonpublic school children are inevitable. It is interesting to note that in promulgating the regulations under Title I USOE set out in 45 CFR §§ 116.6, 11.7 a complaint procedure to be followed by the SEA while failing to provide for a complaint procedure within its own structure.

Therefore we recommend that Congress require USOE to publish formal bypass procedures in the Federal Register which would include specific time limit for implementing such procedures.

2) AUTHORIZATION FOR WITHHOLDING BY THE COMMISSIONER

The existing statutory bypass language does not specifically authorize the Commissioner to withhold funds pending final determination of bypass controversies. It should be noted that §434 (c) of the General Education Provisions Act, which permits the Commissioner to suspend payments where a recipient has failed to comply substantially with its assurances, could be applied to a bypass situation. However, in the recent Virginia situation, representatives from USOE indicated that they had misgivings about the extent of the authority of the Commissioner to withhold funds in bypass situations. The authority to withhold can be used to expedite the resolution of complaints. Authorization to suspend payment of funds in an amount sufficient to ensure the equitable participation of nonpublic school children in Title I programs is essential to the effective operation of the bypass provisions. For this reason we recommend that the existing bypass provision be amended to specifically authorize the Commissioner to suspend payments pending appeal of the Commissioner's determination on implementation of the bypass. In the alternative we would recommend that the legislative history clearly indicate that the Commissioner has such authority in bypass situations under §434(c) of the General Education Provisions Act.

3) Commissioner's Determination of Prohibition by Law

In the case of "substantial failure" to provide for the participation of nonpublic school children, it is clear that the Commissioner makes the determination in the bypass decision. In the case of a "prohibition by law" it is not as clear. While the regulations imply that the Commissioner is responsible for the determination that an LEA is prohibited by state law from providing for the participation of children in nonpublic schools, the regulations also permit the Commissioner to request an opinion of the Attorney General of a state with regard to the status of State law regarding such participation. The Attorney General's opinion is not required by statute although much weight is given such an opinion.

The wording of the statute is such that for the bypass to be implemented state law must prohibit the participation in special programs for educationally disadvantaged children in nonpublic elementary and secondary schools. However, unlike the "substantial failure" bypass, there is no mention of the degree of participation. There are few if any states whose state laws prohibit the participation in any way of children enrolled in nonpublic schools. Therefore, a state attorney general can usually certify that state law does not prohibit the participation of nonpublic school children. The quality of participation is not specified and this has caused some confusion in this area. In our opinion, the decision to implement the bypass should be determined on the basis of whether or not services can or are being provided in a "comparable" manner. In the

Barrera decision of 1974, the Supreme Court ruled that ESEA Title I required "comparability" of services between both public and nonpublic school children. Consequently, we recommend that the bypass provision be amended to clarify that the Commissioner has the responsibility for determining that an LEA is prohibited by state law from providing for the "comparable" participation of children in nonpublic schools. It would not be the intent of such an amendment that the Commissioner render opinions interpreting state law, but rather that the Commissioner after being advised as to what is permissible under state law as interpreted by the proper state authority, determine whether the state is unable to provide on a comparable basis for the participation of eligible children enrolled in nonpublic schools.

B. Concentration of Title I Services versus Comparability Requirements, State Compensatory Education Programs

In several parts of the United States, Catholic School officials have indicated that problems are developing as a result of the manner in which public school authorities concentrate Title I monies. Often times, public school officials will develop Title I projects based exclusively on the needs of their own children. Consequently, programs are focused on children in age groups and grade levels of the public school system in which there are no children with comparable needs in the nonpublic schools. In our opinion, this pattern of services should not in itself create any serious problems. However, if these same public school authorities interpret the Title I regulations to mandate identical services rather than services which are comparable in quality and scope, then this sort of program could result in significant cutbacks in the benefits provided to nonpublic school students.

This kind of problem takes on very serious proportions under another set of circumstances; namely, the implementation of state compensatory education programs.

Several states have adopted state compensatory education programs which supplement, complement, or duplicate federal ESEA Title I programs. Unfortunately, the coordination of these state funded programs for public school students with ESEA Title I programs could have an adverse affect on the participation of disadvantaged nonpublic school students in the federally supported program.

For example, in California, with the advent of the state's public school compensatory education program (known as Senate Bill 90), ESEA Title I target areas have been constricted and many previously eligible nonpublic school students are no longer receiving ESEA Title I services. Their public school peers, formerly the recipients of federal ESEA Title I assistance continue to receive compensatory education services through the new state program, for which nonpublic schools cannot participate.

We suggest that the Subcommittee may wish to consider this serious problem in a detailed description which could be provided in testimony to you by nonpublic school spokeman from California.

It is, therefore, vitally important that the Congress in amending Title I reemphasize that the intent of this legislation is to:

1. Provide services to all educationally deprived children whether they attend public or nonpublic schools, and

2. That these services to public and nonpublic school children must be comparable in quality and scope but need not be identical, especially in terms of the age groups and grade levels of children being served.

C. Desegration: Impact on Title I Eligibility

A somewhat similar problem has been occuring as a result of a different set of circumstances namely the implementation of a desegration programs through school busing. In this situation as the result of the movement of children from school attendance areas of high concentration of poverty these attendance areas no longer retain their Title I eligibility. In the practical order both the public and nonpublic school children not involved in the desegration program but still residing and attending school in these poverty areas loose their badly needed Title I services. Often times public and nonpublic school children in relatively wealthy areas become qualified for the program. We think this is undermining the basic intent of Title I and should be corrected though further revision of the law.

D. Title I Administrative Costs

Over the past several years, Catholic school superintendents have raised questions about the manner in which Title I funds are used for administration at the local school district level. On the one hand, in many school districts where there are significantly large populations of eligible Title I children attending nonpublic schools, there apparently are insufficient commitments of administrative monies to insure that these children receive the benefits to which they are entitled. On the other hand, it appears that in the same school districts as well as others the administrative portion of the Title I budget absorbs a disproportionate amount of the Title I funds that might otherwise be available for services to children. We think that Congress ought to carefully study both of these aspects of Title I and, if appropriate, make the necessary legislative remedies to limit overall administrative costs while at the same time, insuring that there is an adequate commitment of administrative funds for providing Title I services to eligible children attending nonpublic schools.

E. Title I: State Advisory Councils

The experience and involvement of the Catholic school community with the Title III and later the Title IV state advisory councils has led us to conclude that such advisory councils enhance the quality of the Federal programs and prove to be very helpful in insuring that the nonpublic school children are treated equitably. Consequently, we would support the establishment of state level Title I advisory councils, if there were a Congressional requirement for appropriate and adequate representation of the nonpublic school children within the state.

ESEA, Title IV-B

Under Title II of ESEA, as interpreted, in situations where a local educational agency did not participate in a Title II program benefits could be provided to nonpublic school children in that local educational agency through a state or intermediate level agency. In the consolidation of Title II into the present Title IV new language was added which requires a local educational agency which is a recipient of funds to provide for the participation of nonpublic school children. No provision is made for assuring the participation of nonpublic school children who attend school in an area served by a local educational agency which has voluntarily rejected or been denied Title IV-B funding because of noncompliance with civil rights requirements. As a result these children, who previously received benefits under Title II, have been excluded from receiving benefits under Title IV-B. This result was not intended by the consolidation and we recommend that Title IV be amended in a manner which will assure the participation of school children who attend school in an area served by a local educational agency which is not a recipient of Title IV funds.

As indicated in our testimony above, we would also recommend that Congress amend Title IV-B to allow for a certain percentage of Title IV-B funds to be used for the administration of the program by local public school authorities to facilitate the implementation of the Title IV-B benefits to both public and nonpublic school children.

ESEA, Title IV-C

As we have already indicated in our testimony, the participation of nonpublic school children in Title IV-C programs is seriously deficient. To state it more bluntly, in our opinion, many public school districts in this country are seriously out of compliance with the requirements of the law in this respect. The standard practice of public school authorities designing innovative programs to meet the special needs of their children and teachers and then inviting the appropriate representatives of the nonpublic school students to participate just has not worked. The attitude of most of the Catholic School leadership in this country is so negative on this program that they would give serious consideration to supporting radical changes in this part of the law in order to rectify this situation.

Short of totally rewriting Title IV-C, we would make the following recommendations for correcting these problems:

1. Congress should require the Commissioner of Education to thoroughly investigate SEA and LEA compliance with Section 406 which requires the equitable participation of nonpublic school children in Title IV-C programs. The results of such an investigation should be incorporated in a formal report to the House Committee on Education and Labor and to the Senate Committee on Human Resources within a reasonable but specific time after the enactment of these amendments.
2. If the results of this investigation should reveal serious and widespread noncompliance, the Commissioner should be

required to explain the administrative actions he will take to remedy the situation, and the time period within which they will be taken.

3. The legislative history of the new amendments should reflect the following explanation of Congressional intent with respect to Title IV-C programs: in public school districts where there are nonpublic schools, Title IV-C programs which have been designed to meet the needs of only public school students and teachers are not in compliance with the requirement of Section 406 for the equitable participation of nonpublic school students and teachers and that the Commissioner should require SEA's to provide evidence that Title IV-C funds are not being used to support such programs; that if the needs of nonpublic school students and teachers differ from those of public school students and teachers, they should be met in an equitable manner as a component of an overall Title IV-C program.
4. It should be made clear that it is the intent of Congress that proposals for innovative projects open to both public and nonpublic school children but developed by nonpublic school educators must be given serious consideration by both LEA's and SEA's in their processes for approving projects for Title IV-C funding. This intent should be reflected in the Title IV-C regulations.
5. Congress should give serious consideration to allocating all or some of the Title IV-C to be used for supporting innovative programs which have already been developed through

Title III or Title IV-C and have been validated as workable programs by HEW. This would change the focus of Title IV-C to supporting already proven innovative programs reducing the possibility of wasting already scarce federal education funds and placing the nonpublic school students in a better posture for receiving equitable benefits.

Finally we would like to call the Committee's attention to the fact that many Catholic educators have raised questions about the practicability of applying a "maintenance of effort" requirement to the "innovative programs" authorized by Title IV-C. By their very nature, most innovative programs would consist of an entirely new approach to educational practice and, in most if not all instances, supplement existing educational programs. If this is the case, in a project approved for Title IV-C funding, how would a "maintenance of effort" requirement be applied in this situation? Under these circumstances, it would appear that there would be no previous fiscal effort from non Federal sources and hence there whould be no real requirement to maintain a continuing fiscal effort from such sources. We recommend that the Committee examine this problem and, if possible, clarify the intent of the legislation in this respect.

ESEA, Title VII: Bilingual Education

It is obvious from this testimony that the U.S.O.E. is not seriously implementing the statutory requirement for the participation of nonpublic school children in bilingual education programs. Consequently, we would make the following recommendations to correct this problem:

1. Congress should require the Commissioner of Education to submit a formal report to the House Committee on Education and Labor and the Senate Committee on Human Resources on the implementation of the requirement to serve nonpublic school children in Title VII programs. This report should include an evaluation of how LEA's are currently complying with this requirement and indicate what procedures U.S.O.E. has been following to insure such compliance.
2. If this report reveals serious noncompliance, the Commissioner should be required to explain the administrative actions he intends to take to remedy the situation and time period within which such actions will be taken.

In addition we would strongly urge the Congress to study the problem of non English speaking students who currently do not receive any services from Federal education programs. If such a study indicates that there are large numbers of such students, we would recommend that Congress take the necessary action to authorize and fund special education services for these students.

Mr. Chairman, this concludes our formal statement. While urging the members of your Subcommittee to give serious and careful consideration to our recommendations, the Catholic school community wishes to reiterate its basic support for existing Federal education policy which provides categorical aid to the nation's most needy children. We are most grateful for this opportunity to present our views to this Subcommittee.

Mr. BLOUIN. Thank you, Father.

We would prefer having all panelists go through their testimony first and then we will revert to questions, at this time we will hear from Dr. Lamborn.

STATEMENT OF DR. ROBERT L. LAMBORN, EXECUTIVE DIRECTOR, COUNSEL FOR AMERICAN PRIVATE EDUCATION

Dr. LAMBORN. Mr. Chairman, members of the committee, I am Robert L. Lamborn, Executive Director of the Council for American Private Education. The Council is a coalition of fourteen national organizations serving private, non-public, precollegiate education, preschool through secondary.

The organizations are: American Lutheran Church; American Montessori Society; Assocation of Military Colleges and Schools of the U.S.; Friends Council on Education; Lutheran Church-Missouri Synod; National Association of Episcopal Schools; National Association of Independent Schools; National Association of Private Schools for Exceptional Children; National Catholic Educational Association; National Society for Hebrew Day Schools; National Union of Christian Schools; Seventh-Day Adventist Board of Education, K-12; Solomon Schechter Day School Association; and the United States Catholic Conference.

The Council's Directors welcome this opportunity to participate in these hearings on the reauthorization of the Elementary and Secondary Education Act.

The Council's member organizations are non-profit and subscribe to admissions policies which are non-discriminatory on the basis of race, color and national origin. They serve approximately 15,000 schools enrolling about 4.2 million students, or between 85 and 90 percent of the students attending the nation's private chools.

Private schools as a whole enroll over ten percent of American school children. These children come from famlies which, in terms of socio-economic status and urban-suburban-rural residence, are broadly representative of the American public.

The Council's Directors see their schools as public service institutions serving the public need, their services complementing those provided by the nation's public schools.

Father Patrick Farrell, who testified here today, is a member of the Council for American Private Education. While Father Farrell has testified for the United States Catholic Bishops and for the

Catholic schools, his comments with regard to the private school experience with the Elementary and Secondary Education Act accurately reflect the experience of the Council's other members as they have been involved in implementing the Act's provisions for the participation of students in private schools. They support the position taken, the concerns expressed, and the legislative recommendations presented in that testimony.

Further, they urge that in your deliberations you apply four guiding principles as you consider provisions designed to assure the equitable participation of children enrolled in private schools.

On the basis of past experience, it is vital that these principles be held in mind, and that the final provisions be mandated, if the benefits are to be provided equitably:

(1) All Federal programs providing services to students in precollegiate educational institutions should mandate the equitable participation of students attending private schools.

(2) Private school representatives should be full partners in establishing policy, developing legislation, drafting regulations, and in monitoring and evaluating programs in all areas that relate to private schools and their students.

(3) Specialist officers responsible for private school matters should be created, or maintained in adequate strength, on the Commissioner's immediate office staff, on appropriate deputy staffs, and on appropriate program-level staffs. These positions should be filled by people who are knowledgeable about private schools, preferably individuals who have had extensive experience in private schools.

(4) Legislation and supporting regulations should eventually be so drafted that, providing for variations necessitated by the purposes of the legislation, the procedures relating to private schools would be as direct, simple and consistent as possible, Particular attention should be paid to devising procedures which make it possible to deal expeditiously with impediments imposed by constitutional constraints.

We would welcome an opportunity to provide additional information or to be of assistance in any other way.

Mr. Blouin. Thank you.

Our next witness is Ms. Goldsmith.

STATEMENT OF JOANNE T. GOLDSMITH, EXECUTIVE DIRECTOR, NATIONAL COALITION FOR PUBLIC EDUCATION AND RELIGIOUS LIBERTY, ACCOMPANIED BY JOHN BAKER, BAPTIST COMMITTEE ON PUBLIC AFFAIRS, AND JAMES GREEN, NATIONAL EDUCATION ASSOCIATION

Ms. Goldsmith. Thank you. Good morning, Mr. Chairman.

I have with me as members of our Board representing our several organizations Dr. John Baker, from the Baptist Committee on Public Affairs, and Mr. Jim Green from the National Education Association.

My name is Joanne T. Goldsmith. I am the Executive Director of the National Coalition for Public Education and Religious Liberty which represents thirty civil libertarian, education and religious organizations, all of whom support similar goals. A list of these organizations is attached to this statement.

Our member organizations are dedicated to preserving religious liberty and the principle of separation of church and state and to maintaining the integrity and viability of public education. Our primary interest is in protection of the guarantees of the First Amendment to the Constitution which speaks to the basic right of all Americans to practice religion without government involvement and interference.

The National Coalition for Public Education and Religious Liberty wishes to be sure that this Committee is aware that the great majority of Americans firmly oppose the use of government funds to help finance religiously affiliated schools. We express the hope that you will give full hearing and consideration to our point of view before taking any action in this sensitive area.

The organizations participating in this coalition, representing a broad cross-section of the American people, have consistently opposed all forms of such financial assistance, popularly known as parochiaid. They have expressed their opposition in many ways, including general educationl activities, expressions of view to legislators, support of referenda barring parochiaid, and initiation and support of litigation against those legislative measures that have been approved.

These efforts have had a substantial degree of success. The Supreme Court of the United States has invalidated all forms of parochiaid except textbooks, transportation and health and welfare on the elementary and secondary levels. In a series of decisions beginning in 1947, the Court has spelled out fairly clearly and presumably for at least the foreseeable future, how far it will go in allowing the use of tax-raised funds to support sectarian schools. These citations appear in our full text and I will not recite them here.

Many parochiaid bills have been rejected by State legislatures. Most significant, on each of the ten occasions on which a proposal for or against State aid to religiously affiliated primary and secondary schools has been on the ballot in any State, the opponents of such aid have won the day. The table attached as part of this testimony demonstrates this broad opposition.

We believe that you will agree that the votes on these ten propositions provide convincing evidence of the American people's continued attachment to the principle of separation of church and state and their belief that it prohibits government financing of religiously affiliated primary and secondary schools.

The popular opposition to parochiaid is not based purely on theory or untested attachment to an abstract contitutional precept. It is prompted by the same practical considerations that led not only to the writing of the no-establishment clause into the First Amendment but also to constitutional provisions and court rulings making the separation principle part of the law of each of the States.

Americans have believed and still believe that government support of religious institutions is bad for government and bad for religions. They would oppose parochiaid measures even if there were no separation clauses in our constitution.

Our political system, of course, allows room for publicly-expressed differences among religious groups on public issues. Indeed, it gives such expression constitutional protection. Entirely different consequences flow, however, when the government is subjected to conflicting pressures about money and about whether the government will provide the funds that will determine whether a sect will be able to propagate its particular beliefs. Such pressures will always exist to some extent. Indeed, we believe they enjoy constitutional protection. But they should not be invited and intensified by giving constitutional or legislative sanction to state financing of religions.

On the other hand, we believe separation is good not only for government but also for religion because whenever the government finances any institution, it must supervise the way its money is spent. The requirements it must impose and enforce include not only the obviously necessary prohibitions of discrimination based on race, religion, national origin, and sex, but also, in the case of church-related schools, measures to insure that tax-raised funds are not used for religious instruction or practices.

Enforcement of such measures, to be effective, entails extensive governmental intrusion into each classroom. Moreover, it places church schools under heavy pressure to eliminate religious content from all of their secular courses. Many churchmen have expressed the belief that this is too high a price to pay for governmental aid.

The often-heard view that a way must be found, somehow or other, to finance sectarian schools should be seen as what it is, an attack on the Bill of Rights. Those who make such statements are saying, in effect, that the guarantees of the Bill of Rights may be circumvented whenever the demand for circumvention rises to a high enough level to make public officials uncomfortable. None of our constitutional rights would survive if this cynical approach were accepted.

There is nothing strange or novel about the position outlined here. Indeed, until the last fifteen years it was accepted with little dissent. Of course, there has always been disagreement about the application of the separation principle in fringe areas. Like all of our constitutional guarantees, it has a grey area. But for 150 years or more one application was taken for granted—that the government may not give money to churches or to church institutions. Government financing of the practice or propagation of regliion is not permitted. That priciple dates back very early.

None of the members of this Coalition would question the moral and legal right of a religious body to establish an educational system designed to advance its beliefs and imbued with its tenets. Indeed, we would defend in court, if necessary, its constitutional rights to do so. But it is the same Constitution that grants that right which also bars the government from financing its exercise.

We have little doubt that proposals for Federal aid to sectarian schools will be vigorously advanced. We hope that you will recognize that these proposals embody a substantial and harmful departure from constitutional principle and tradition.

Thank you very much for your time, patience and consideration.

[The full text of Ms. Goldsmith's statement follows:]

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STATEMENT OF

NATIONAL COALITION FOR PUBLIC EDUCATION AND RELIGIOUS LIBERTY

ON H. R. 15

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY,
AND VOCATIONAL EDUCATION

OF THE

HOUSE COMMITTEE ON EDUCATION AND LABOR

PRESENTED BY

Joanne T. Goldsmith

Executive Director, National PEARL

September 21, 1977

PARTICIPATING ORGANIZATIONS: American Association of School Administrators • American Civil Liberties Union • ACLU National Capital Area • ACLU of Connecticut • American Ethical Union • American Humanist Association • American Jewish Congress • Americans United for Separation of Church and State • Anti-Defamation League of B'nai B'rith • Baptist Joint Committee on Public Affairs • Board of Church and Society of the United Methodist Church • Central Conference of American Rabbis • Illinois PEARL • Minnesota Civil Liberties Union • Missouri Baptist Christian Life Commission • Missouri PEARL • [illegible] PEARL • Michigan Council Against Parochiaid • National Association of Catholic Laity • National Council of Jewish Women • National Education Association • National Women's Conference, American Ethical Union • Preserve Our Public Schools • Public Funds for Public Schools of New Jersey • New York State United Teachers • Ohio Free Schools Association • Union of American Hebrew Congregations • Unitarian Universalist Association

My name is Joanne T. Goldsmith, I am the Executive Director of the National Coalition for Public Education and Religious Liberty which represents 30 civil libertarian, education and religious organizations, all of whom support similar goals. A list of these organizations is attached to this statement.

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These efforts have had a substantial degree of success. The Supreme Court of the United States has invalidated all forms of parochiaid except textbooks, transportation, and health and welfare on the elementary and secondary levels.

In a series of decisions beginning in 1947, the Court has spelled out fairly clearly, and presumably for at least the foreseeable future, how far it will go in allowing the use of tax-raised funds to support sectarian schools. On the elementary and secondary school levels it will strike down any law seeking to finance educational services beyond transportation and the lending of secular textbooks to the students, although it will allow financing of health and welfare services provided in these schools.

This evolution began in Everson v. Board of Education (1947) where the Court by a narrow majority upheld the constitutionality of financing bus transportation to parochial schools. It did so on the ground that the state's purpose was primarily to protect the safety of the pupils and the resulting aid to the school was merely a secondary by-product. Twenty years later, in Board of Education v. Allen (1968), the Court upheld a law funding the purchase of secular textbooks for use in parochial schools, on the ground that the aid was to the pupils and only indirectly to the schools. The United States Supreme Court Decision of May, 1975, in Meek v. Pittenger reaffirmed the principle that the Constitution bars substantial government aid to parochial schools. In that decision, the Court barred the use of government funds for supplying educational equipment and supplies and, more important, for paying the salaries of teachers sent into nonpublic schools, a practice that has come to be known as "auxiliary services".

When the Court handed down its decision in Wolman v. Walter the media, including the press, radio and television, immediately reported it as a dramatic change in the Court's view of aid to parochial schools and a substantial victory for those favoring such aid. The most probable explanation for this misjudgment is that the Court upheld four of the six challenged provisions of the statute. What the media did not realize was that basically the Court did more in the way of reaffirming previous anti-school aid than overruling them or even limiting them in any substantial way. Indeed, in the one instance that the Court considered aid to parochial schools which had not previously been presented to it - financing of field trips - it ruled the statute unconstitutional.

A brief review of the provisions of that decision is attached as part of this testimony.

Many parochiaid bills have been rejected by state legislatures. Most significant, on each of the ten occasions on which a proposal for or against state aid to religiously affiliated primary and secondary schools has been on the ballot in any state, the opponents of such aid have won the day. The table attached as part of this testimony demonstrates this broad opposition.

We believe that you will agree that the votes on these ten propositions provide convincing evidence of the American people's continued attachment to the principle of separation of church and state and their belief that is prohibits government financing of religiously affiliated primary and secondary schools.

The popular opposition to parochiaid is not based purely on theory or untested attachment to an abstract constitutional percept. It is prompted by the same practical considerations that led not only to the writing of the No-Establishment Clause into the First Amendment but also to constitutional provisions and court rulings making the separation principle part of the law of each of the states. Americans have believed, and still believe, that government support of religious institutions is bad for government and bad for religion. They would oppose parochiaid measures even if there were no separation clauses in our constitutions.

There is solid basis for this deeply held belief. On the one hand, there are the harmful consequences of involving government in conflict among religious groups -- consequences of which the Supreme Court took note in a 1971 decision on this subject. Speaking for the Court in that case (Lemon v. Kurtzmen, 403 U.S. 602, 622, 623), Chief Justice Berger said that "political division along religious lines was one of the principal evils against which the First Amendment was intended to protect" and that, under parochiaid arrangements, the "potential for political divisiveness related to religious belief and practice is aggrevated" by the "need for continuing annual appropriations and the likelihood of larger demands as costs and populations grow." Once it is accepted that the government may finance religious institutions, every sect will be given the strongest possible incentive to mobilize its strength and assets to control government agencies and processes.

Our political system, of course, allows room for publicly expressed differences among religious groups on public issues. Indeed, it gives such expression constitutional protection. Entirely different consequences flow, however, when the government is subjected to conflicting pressures about money about whether the government will provide the funds that will determine whether a sect will be able to propagate its particular beliefs. Such pressures will always exist to some extent. Indeed, they enjoy constitutional protection. But they should not be invited and intensified by giving constitutional or legislative sanction to state financing of religion.

On the other hand, separation is good not only for government but also for religion because, whenever the government finances any institution, it must supervise the way its money is spent. The requirements it must impose and enforce include not only the obviously necessary prohibitions of discrimination based on race, religion, national origin, and sex but also, in the case of church-related schools, measures to insure that tax-raised funds are not used religious instruction or practices. Enforcement of such measures, to be effective, entails extensive governmental intrusion into each classroom. Moreover, it places church schools under heavy pressure to eliminate religious content from all of their secular courses. Many churchmen have expressed the belief that this is too high a price to pay for governmental aid.

The often heard view that a way must [illegible] found, somehow or other, to finance sectarian schools should be seen as what it is -- an attack on the Bill of Rights. Those who make such statements are saying, in effect, that the guarantees of the Bill of Rights may be circumvented whenever the demand for circumvention rises to a high enough level to make public officials uncomfortable. None of our constitutional rights would survive if this cynical approach were accepted.

There is nothing strange or novel about the position outlined here. Indeed, until the last 15 years, it was accepted with little dissent. Of course, there has always been disagreement about the application of the separation principle in fringe areas. Like all of our constitutional guarantees, it has a penumbra within which its application is vigorously debated. But, for 150 years or more, one application was taken for granted -- that the government may not give money to churches or to church institutions. Government financing of the practice or propagation of religion is not permitted. That principle, James Madison said, was designed to insure that no citizen would be compelled "to contribute three pence only of his property" to any church establishment. It obviously bars the use of tax-raised funds to finance sectarian schools, which are set up to propagate religion and which weave sectarian percepts into all aspects of their operations.

None of the members of this Coalition would question the moral and legal right of a religious body to establish an educational system designed to advance its beliefs and imbued with its tenets. Indeed, we would defend in court, if necessary its constitutional rights to do so. But it is the same Constitution that grants that right which also bars the government from financing its exercise.

We have little doubt that proposals for federal aid to sectarian schools will be vigorously advanced. We hope that you will recognize that these proposals embody a substantial and harmful departure from constitutional principle and tradition.

Thank you very much for your time, patience and consideration.

THE UNITED STATES SUPREME COURT DECISION of July 24, 1977, in WOLMAN v. WALTER

on

State Aid to Parochial Schools in Ohio

The new law provided six forms of aid to parochial schools:

1. Textbooks - The Court rejected the plaintiffs; contention that the term "book substitutes" might include auxillary equipment and materials, noting that these were separately treated in the provisions regarding instructional material and equipment.
2. Testing and Scoring - Noting that under the statute nonpublic school personnel were not involved in either the drafting or the scoring of the tests used in the parochial schools and that the statute did not authorize any payment to nonpublic school personnel for the costs of administering the tests, the majority upheld the validity of this provision.
3. Diagnostic Services - Plaintiffs did not challenge that part of the statute which authorized physician, nursing, dental and optometric services in parochial schools, but limited their attack to diagnostic speech and hearing services and diagnostic psychological services. The Court upheld the entire provision.
4. Therapeutic Services - The relevant section authorized expenditures for therapeutic psychological and speech and hearing services, guidance and counseling services, remedial services, and programs for the physically handicapped. These services could be provided for in the public schools, public centers and mobile units (buses) located off the nonpublic school premises. A majority of the Court upheld this provision.

5. Instructional Materials and Equipment - The statute authorized expenditures for the purchase and loan to pupils and their parents of instructional materials and instructional equipment of the kind which is used in the public schools and is "incapable of diversion to religious use." Intended by this provision, the parties stipulated, were such materials as globes, science kits, weather-forecasting charts and the like. The statute provided that the materials and equipment could be stored on the premises of the nonpublic schools and that publicly hired personnel could perform services upon the nonpublic school premises when necessary for efficient implementation of the lending program.

   In Meek (and the present Ohio statute's predecessor) the statute provided that the loans were to be to the nonpublic schools rather than, as in the present case, to the pupils and their parents. To accept this distinction, Justice Blackmun stated, would be to "exalt form over substance." The Chief Justice and Justices White and Rehnquist dissented. Justice Powell concurred on the ground that the statute included materials such as wall maps, charts and other classrooms paraphernalia for which the concept of a loan to individuals was a transparent fiction. He stated that he could find "no constitutional defect in a properly limited provision lending to the individuals themselves only appropriate instructional materials and equipment similar to that customarily used in public schools."

6. Field Trips - These trips "would consist of visits to governmental, industrial, cultural and scientific centers designed to enrich the secular studies of students." The majority of the Court held this unconstitutional.

PARTICIPATING ORGANIZATIONS

American Association of School Administrators

American Civil Liberties Union

ACLU National Capital Area

ACLU of Connecticut

American Ethical Union

American Humanist Association

American Jewish Congress

Americans United for Separation of Church and State

Anti-Defamation League of B'nai B'rith

Baptist Joint Committee on Public Affairs

Board of Church and Society of the United Methodist Church

Central Conference of American Rabbis

Illinois PEARL

Minnesota Civil Liberties Union

Missouri Baptist Christian Life Commission

Missouri PEARL

New York PEARL

Monroe County, New York PEARL

Nassau-Suffolk PEARL

Michigan Council Against Parochiaid

National Association of Catholic Laity

National Council of Jewish Women

National Education Association

National Women's Conference, American Ethical Union

Preserve Our Public Schools

Public Funds for Public Schools of New Jersey

New York State United Teachers

Ohio Free Schools Association

Union of American Hebrew Congregations

Unitarian Universalist Association

Mr. **Blouin**. Thank you.

Ms. Goldsmith, just to help me understand what your position is, does your organization oppose just direct aid, or indirect aid as well? In other words, aid to the student?

Ms. **Goldsmith**. I am sorry. Indirect aid to the student? We would support a child benefit theory and have, on the welfare issue, i.e., free lunches, certainly auxiliary services of very limited type. My attorney is beside me.

Mr. **Blouin**. How about tuition replacement funds, some kind of a voucher system?

Ms. **Goldsmith**. No, sir,we would not support that.

Mr. **Blouin**. So you are in opposition to the GI bill. Is it fair to assume that is accurate?

Ms. **Goldsmith**. I don't believe the GI bill has any bearing on elementary and secondary education.

Mr. **Baker**. I am John W. Baker, with the Baptist Joint Committee on Public Affairs. There is a real difference that I don't think we need to go into too much between the GI bill and this kind of an aid, in that the reasons for the GI bill involved a payment for services rendered.

I took a Ph.D. under the program. It is a very different sort of a thing.

Mr. **Blouin**. The same Constitution, though.

Mr. **Baker**. It is the same Constitution. But it went to me in a different way for services which I had previously rendered to the government, by spending some 31 months——

Mr. **Blouin**. Where does the Constitution allow you to ignore a premise for services rendered?

Mr. **Baker**. I am sorry, I don't follow you.

Mr. **Blouin**. Well, if the Constitution says clearly that aid to private education is in conflict, and aid to a student of a tuition nature would fall within your definition of that, then where does services rendered in payment——

Mr. **Baker**. I think you have got to distinguish here that there is a difference in aid to religion. This is where you get to the point. I don't think there is any question that elementary and secondary schools—incidentally, the court has made distinctions between higher education and elementary and secondary education, in the first place.

But, I don't think that there is any question that any time that you attempt to aid education directly or indirectly, using a conduit system, which the court has also said is not constitutional, that this can stand the test of constitutionality.

I don't think the GI bill was ever challenged, to be perfectly honest with you. I think politically it would have been not a very good idea.

Mr. **Blouin**. That is probably the only reason it hasn't been challenged.

Mr. **Baker**. It may well be. I can't speak for other people.

Mr. **Blouin**. But your oganization, then—let me make sure I understand it further—supports aid of a conduit nature on a postsecondary basis.

Mr. **Baker**. No, I don't think our group has ever taken a position on that. I don't think that they have.

Mr. **Blouin**. So you have no position in regard to the GI bill?

Mr. **Baker**. No. I was expressing my own views here, not my organization's.

Mr. **Blouin**. Okay. So your organization only takes positions in regard to K through 12?

Ms. **Goldsmith**. We did take a position on the Romer case, which was higher education in the State of Maryland. That case was heard in the Supreme Court within the last year.

Mr. **Blouin**. Is that a land grant college tuition program?

Ms. **Goldsmith**. No. It was direct aid to institutions of higher learning in the State of Maryland. It had to do with the construction of buildings. That was upheld by the Supreme Court.

Mr. **Blouin**. The law was or your position?

Ms. **Goldsmith**. No, the law was.

Mr. **Blouin**. So that the only time your organization has taken a position on anything beyond high school has been in opposition to a particular law in Maryland, and the court has upheld that law.

Ms. **Goldsmith**. As an organization, we are three years old. We took a position on higher education only in the Romer case. That doesn't mean to imply we would not at some other time be involved in some other litigation that would be a decision made by the board.

At the moment we are considering elementary and secondary education.

Mr. **Blouin**. Do you have a position paper somewhere that you can supply this subcommittee that would try to draw the distinction in your organizations between K through 12 and postsecondary, in terms of constitutional interpretation?

Ms. **Goldsmith**. We could get that for you.

Mr. **Blouin**. I would appreciate that. I have been looking for that kind of information for some time.

Mr. **Blouin**. I have one question for both Father Farrell and Dr. Lamborn.

As I followed your testimony, you both pretty much at least as I understand it, requested through different words the establishment of a separate office within HEW.

Father, I think you called it a Deputy Assistant Secrtary, and then a Deputy Commissioner in OE.

Dr. Lamborn, I think in your third recommendation you alluded to the establishment of a separate office for private education or nonpublic education.

Do you see this as possibly having a divisive aspect to it in separating that role of education from the rest?

Father **Farrell**. If you want my opinion—I would also like to defer to Mr. Duffy about this, but I would just give this one.

I know that in conversations related to the question, in terms of advocacy, so that participation can be equitable, that this is a concern even within the offices there.

They recognize the fact that in many cases we are not getting the services that we should. How can we have the representation by which we can get that participation that is mandated in the law?

I would just like to ask Mr. Duffy to relate his experiences with regard to those particular problems.

Mr. **Duffy**. First of all, the United States Commissioner of Education, with that title, is the representative for the total educational community in the country.

Since the office has been created, I would say that he has functioned as the representative and the Commissioner of Public Education, and really not the total educational community in the United States.

It was not until 1972 when Commissioner Marland created a position in the Office of Education, a liaison officer for nonpublic educational services, that the nonpublic sector was recognized as a partner in the total educational community of this country. We are not as yet full partners.

I support what Dr. Lamborn said in his statement. Until nonpublic education becomes a full partner, I don't believe we can call the U.S. Commissioner of Education a Commissioner of Education.

Also, most of our 12-year experience with Federal programs shows us that there really is rarely anyone in the Office of Education who is responsive, who is sensitive to the concerns of the nonpublic sector when we do have legitimate and bona fide complaints with the implementation of the Federal programs.

Some of those programs are monitored, supervised and approved directly from the Office of Education itself.

So, our 12 years are years of frustration in trying to find some sensitive individual over in the Office of Education who is in the policy level position, who can go to program directors and say, "We have these complaints. What are you doing about them?"

There just seems to be an attitude of apathy and lack of concern. We are just a little gadfly in the Office of Education over there. We come every now and then with our frustrations and our complaints. But there is nobody moving on it.

We feel that an assistant or a deputy commissioner or an assistant secretary for nonpublic education would be in the positon to get response to our concerns.

Mr. **Blouin**. To make sure I am reading you correctly, too, you are not as concerned about the title or depth or breadth of this slot that you are requesting as you are about some place with authority to go to as a specific spot for private education, is that right?

Mr. **Duffy**. I think Mr. Lamborn put it accurately when he said, "We would be interested in having a full partnership in establishing policy, developing legislation, drafting regulations and in monitoring and evaluating programs."

Those are all aspects which would guarantee comparable and equitable participation in those programs for our children. Also to share educational ideas which are going on in the public sector, and the nonpublic sector.

There is no discussion on that level at this point in history with the Office of Education sponsoring it. I feel that such an individual would be able to bring about the full collaboration of educators in this country.

Mr. **Blouin**. Dr. Lamborn.

Dr. **Lamborn**. I think to pick up on Mr. Duffy's comments, the fact of the matter is that the U.S. Office of Education, while its charter calls for it to serve all of education, both public and private, is manned by and large by people who are trained in the public schools, who have been educated in the public schools, trained in public education, or experienced in public education, and who understand public education quite well.

There is only one person in all of the Office of Education who is specifically charged for being responsible to deal with matters relating to private education. This person is in an office which was created within the last four or five years.

The Office is on the immediate staff level now of the Commissioner, but it has been there only for a year and a half. It is the liaison office rather than an operating office.

Mr. **Blouin**. Do you know what the background of that person now is?

Dr. **Lamborn**. Yes. He was a vocational education teacher in the public schools, and came into Washington in the Office of Vocational Education, and ultimately was drawn out of there by Commissioner Marland to create the Office of Director of Nonpublic Educational Services, which at that point was about five levels down in the bureaucracy under Dr. Bell, Commissioner Bell, a year or so ago.

He was moved up on to his immediate staff, but you have one person with a vocational education background in public schools and a secretary. He is the sole person with the direct responsibility for dealing with the private school community.

Mr. **Blouin**. What type of a supportive staff does he have?

Dr. **Lamborn**. One secretary, and he is a liaison man. He is not in the administrative channels. He is not involved in policy making or any of these things.

Now, if the Office of Education and the U.S. educational community at large were to see public and private schools as complementary elements of the American educational system or community, and if that attitude were to be spread through the Office of Education, then the creation of a special office would be no more significant, or would be of the same kinds of significance as an office on minority affairs, an office on Indian affairs or an office on a particular minority group.

But until the time arrives when the office is aware of the role of private education, ordinarily thinks of it in terms of setting up conferences and setting up workshops, in designing legislation, in seeing how these things work, there needs to be, it seems to us, someone who is knowledgeable about private schools and their tremendous diversity, because while the Catholics are here with 75 percent of the students, I have indicated some of the broad range of other elements that are involved.

Until this kind of knowledge is general within the Office of Education, the Federal education community, there needs to be, it seems to us, someone who is aware of the condition and contributions of private education, and can see that the intent which is quite clear, we think, in the legislation with regard to services to private school children, is in fact carried through in as expeditious and effective a way as possible.

Mr. Blouin. Ms. Goldsmith, do you have a response to that recommendation.

Ms. Goldsmith. In terms of additional staff? No, we would object. The private schools are less than 10 percent of the total population of the country, and to expect that they would in fact have full standing with public education I think is a little bit farfetched.

That is not to say they should not have legal services. Certainly they are entitled to liaison. I think all of our people are entitled to services. I have seen the things from Mr. Crum's office. I think he is well trained. He most certainly is a vocational education teacher who cares a great deal about nonpublic education.

I have found him to be very helpful, and I suspect that the nonpublic sector finds him helpful. He certainly does point out in every way he can where the nonpublic school children are entitled to services.

I know of his activities in that field. I think he serves well.

I would in fact have problems with additional staff. I find it difficult to believe that OE is not doing the very best it can under very difficult circumstances at best. But I would say—of course, this is a new idea. Our organization did not know they were going to ask for additional staff.

Of course, I am frankly speaking for myself. I would suspect that we would find that objectionable.

Mr. Blouin. Your response.

Father Farrell. If we work off the last statement, we will take 10 percent of what the office has over there. That would be more than comparable in our case.

Mr. Blouin. Thank you. I am going to yield to minority staff for a couple of questions at this point.

Mr. Cross. Thank you, Mr. Chairman.

Ms. Goldsmith, you say that you would object to full parity for nonpublic schools, and the creation of a deputy commissioner for nonpublic schools. What do you think is adequate staff for this area? Do you think one person is adequate?

Ms. GOLDSMITH. I would think that right now the nonpublic schools have direct access to the Office of Education through the one staff person. But certainly when they are dealing with libraries, Title IV, they are working with Title IV people.

I have no way of knowing whether they do or do not. But certainly the information I have and our organizations has is that there are staff people in almost every state of the Union. As far as I know right now every state, on their state board of education staffs, has people who work with the nonpublic schools.

I would suspect that there are people who are assigned in OE bureaucratically to deal with the nonpublic schools, just as they deal with vocational schools and the other kinds of problems.

Quite honestly, our organization doesn't want—we could go through the laws as they stand now and say this is legal and this is not. We really do not believe that the government should be involved in funding nonpublic schools and religious shools.

That is really our basic premise. We are concerned that theirs is on a very basic philosophical difference. We firmly believe that the government does not belong in religious institutions. So that we come at it from that point of view.

Now, I realize that that makes it very difficult because you would like for us to say this is legal and this is not, we would like your support here and not there. We genuinely believe that church schools particularly are better off without government involvement.

I think that is what our paper was trying to say. We are not really prepared to argue on the specifics of Title I, Title IV.

Mr. CROSS. No, I didn't ask for that.

What I am interested in is whether you, Mr. Lamborn or Father Farrell have any information on what state departments of education do with respect to representation of nonpublic schools?

Mr. DUFFY. I think the Office of Education, when Dr. Marland appointed the coordinater for nonpublic educational services, provided a model for some State education agencies, and I would say a year after this individual at OE—the position was created, Dr. Marland issued a memorandum to State education agencies, recommending a comparable individual at the State level.

Presently there are in, I would say, most of the States—there are individuals who are liaison officers with the nonpublic education community, within that State.

Mr. CROSS. Do you have that information on a State-by-State basis?

Mr. DUFFY. I can supply that information, yes. However, I have to qualify it. Some individuals are full time, some are part time, some have other responsibilities besides liaison with nonpublic education. So, it is a variety.

On some of those we feel they do a fairly good job, and others our representatives in the particular states don't even know they are existing.

Mr. CROSS. To the extent you can obtain that information, I think that might be interesting to have that for the record.

Mr. BLOUIN. We would appreciate that.

[Information requested retained in subcommittee files.]

Mr. CROSS. Let me return, Ms. Goldsmith, and see if I understand. You say that you oppose aid to religious schools. Do you oppose aid to all nonpublic schools?

Ms. GOLDSMITH. That is right.

Mr. CROSS. So you would oppose aid to an Indian school that is controlled by a tribe, that might get funds from the Bureau of Indian Affairs?

Ms. GOLDSMITH. We never have taken a position on the particular——

Mr. CROSS. But that is inherent in what you just said, isn't it?

Ms. GOLDSMITH. Yes, I realize that. I realize the dichotomy of that. But we simply have not faced that issue. I would suspect that my organization would clearly say they should be under the control of the public schools. I admit that is a problem.

Mr. BLOUIN. If the staff would yield, if I might follow up on that point, just by way of additional questions, the Constitution clearly calls for a framework of treaty relationships. The BIA form of education is established directly as a result of those treaty relationships.

If I understand what you assume your organization's position to be, you would oppose the right to make those treaties.

Ms. GOLDSMITH. If you are talking about a treaty with the Indians, that is not my expertise. I have Dr. Baker here. If there are treaties with the Indians which allow certain kinds of understanding to go on, and that is within the constitutional right of this nation, then we would not and obviously have not taken a position in opposition to that.

We do not have a treaty with other nonpublic schools. What I understand of the Indian situation, it is different. I could certainly go back to my board and suggest that we take a look at the relationship between Indian education and other kinds of education.

That has not been a major concern.

Mr. BLOUIN. So your opposition stems from what is or is not constitutional?

Ms. GOLDSMITH. That is right.

Mr. BLOUIN. If it can stand the test of the Constitution, you support it?

Ms. GOLDSMITH. That is absolutely correct. We fight through the courts for what we believe is constitutionally correct, and as long as it is constitutionally correct, we in fact support it.

Mr. CROSS. Returning to your earlier statement, you said you favored the delivery of school lunches, and some other auxiliary services to children in nonpublic schools.

Let me ask you about a specific instance. If a State placed a handicapped child in a nonpublic institution, and this was an institution specifically designed for handicapped children, then you would not favor State or Federal money going for the support of that child.

Ms. GOLDSMITH. That is specifically for the handicapped youngsters.

We have not taken a position on aid to handicapped children. With the new handicapped legislation, we realize full well, and I know in the State of Maryland some of our severely handicapped children are in religious institutions.

I don't think those institutions are looked at as religious institutions. They are looked at as institutions helping handicapped where the public schools do not have a place for them.

I can tell you our board has not discussed public services in terms of delivery of services to the handicapped. Again, that would be direct child services. We have not objected to the child benefit theory as such.

Mr. CROSS. But you did object to construction in the Supreme Court case in Maryland involving Maryland?

Ms. GOLDSMITH. That was in higher education, construction of buildings for religious institutions. They were religious institutions that were being built.

Mr. CROSS. I have a hard time understanding how you are making the distinction in the case of the handicapped because you have said if they are in a nonpublic affiliated institution and if they are there because they are handicapped and could get services, you would think that might be all right.

Ms. GOLDSMITH. I would never, ever be in a position of saying I would not support any educational services that we could reach for handicapped children. I think you are aware that there are children in nonpublic schools that are handicapped, and there are children in public schools that are handicapped.

We are all working under very extreme services and financial difficulties for handicapped children. My board has simply never dealt with abuses or plusses and minuses within the handicapped.

If we would find that there were abuses constitutionally in the nonpublic schools who are dealing with the handicapped children, I would suspect that my board would want to take some action. They simply have not. I don't know if that would be considered nonconstitutional in the issue we have spoken about.

If someone wanted to quarrel there was extensive religious education going on in a school for the handicapped, someone on my board may very well want to take action on that. We simply have not discussed it.

Mr. CROSS. Father Farrell?

Father FARRELL. I think the conversation that just has preceded this really points out what we are really dealing with. It is a complex question, and a question that does involve the fact that if you come down hard and fast with that kind of idea, you have all types of problems.

The testimony that was given by PEARL speaks about the problem of aid to schools. We are here talking about aid to children. When we start to identify what those needs are with children who have different kinds of problems, we get into a different kind of picture, as was even recognized by PEARL.

I think that is what we are really talking about. We are talking about the kind of situtions that do not break that kind of First Amendment requirement. We are here for the same kind of purpose. We don't want that, either.

But, we do see that there are children here, people here, who do need help. They are in situations where without that help they are going to be for the future constrained in their ability to move in our society.

The Catholic schools have been trying to give as much as they can in those areas to help, not with the idea that somehow that is going to bridge that kind of gap between the State and church, but there are services that are nonsectarian and are specifically the kinds of things that young children need in our cities.

People have to somehow begin to see that there are no fast rules about how we are going to get help to the children, and how are we going to take advantage of every institution we have in order to bring that help to them.

That is all we are here about, not the other question. I think that is a different question. We are talking about children, and not about those institutions.

Mr. CROSS. Thank you, Mr. Chairman.

Mr. BLOUIN. Mr. Lamborn, did you want to respond?

Dr. LAMBORN. I would like to come back to a question. We can help some, too, with this matter of the list of people in the States. I think there are more people named to carry that responsibiity on a part-time basis than there are people who have any substantial time or allocation of resources within the states to do what they are assigned to do.

There are one or two States in which there are staffs of two or three people who are handling this sort of thing for them. I think there are 48 or 49 States that have someone designated, and where they are not, the chief himself is designated as that sort of person.

One of the suggestions which has been floated has been that the funds for State administration might in fact include a requirement or a specification or a suggestion having to do with the creation of that sort of a service within the SEAs for private school coordination, so that there could be some way to deal with the complex matters of numbers of people served, dollars served, many things which are quite difficult now for anyone to get in the way of information with regard to services provided in private schools across the country.

In a number of states, for example, there is a distinct policy decision that they will not collect information about the numbers of children in private schools. When you have that sort of thing, it gets to be very difficult to deal with the kinds of problems that you all are dealing with in trying to consider how to bring services appropriately to the students in the schools.

I would like to comment also very briefly that I am sure you all recognize that a very substantial number of the children in private schools, both sectarian and nonsectarian, are in schools where there is a sectarian tie, and they are not of that faith.

The Catholic schools in the city have something like 50 percent non-Catholic, the Lutheran schools have something like 25 percent of their children non-Lutheran. The Friends schools have something like 90 percent of their children who are non-Quaker.

These kinds of concerns are there, too. The institutions deal with a broad segment of theological or religious faiths within their student bodies providing services which are not basiclaly religious services.

Mr. **Blouin**. Thank you.

Ms. **Goldsmith**. If I may comment just briefly, it might be a little bit clearer on our position if I simply said that we truly do believe that public funds that are expended anywhere should be publicly controlled.

I think one of the things that we are going to find in the future as we deal with the handicapped children paticularly, which is, of course, a digression—we have already seen in this last year, in at least one State where we are trying to fund the placement of children in nonpublic schools—the involvement of the State in those nonpublic schools is becoming extensive.

As a religious person, if I were dealing with this, I would say that we see problems down the road in the normal elementary and secondary school in terms of involvement entanglement which would give me some concern.

That has a personal aside, having nothing to do with discussing it with my member organizations. But, I am active in education in Maryland, and I thought that word of warning ought to be stated as a personal thing.

Mr. **Blouin**. Mr. Kildee?

Mr. **Kildee**. Thank you, Mr. Chairman.

Ms. Goldsmith, I am trying to follow your testimony and I apologize for being late. I had another meeting. I was listening to your comments on the handicapped children. I am a little uncertain as to what the role of the government should be for those students no matter what school they may be in.

Do you think that handicapped children have any greater constitutional rights than nonhandicapped children?

Ms. **Goldsmith**. Any greater? They have exactly the same rights.

Mr. **Kildee**. Therefore, if we could argue, and find a basis for providing for handicapped childen wherever they may be, and provide a service for them constitutionally, then we could argue also we could provide a service for nonhandicapped people no matter where they might be.

Ms. **Goldsmith**. As long as we are within the constitutional constraints, as the Constitution has put them, we would be legally correct no matter where we placed children.

Mr. **Kildee**. All right. If, for example, society believes that the right to read is basic and the ability to read—I taught school for 10 years before I got involved in this profession——

Ms. **Goldsmith**. We both digressed.

Mr. **Kildee**. If we believe the right to read is very important, and we have children who have some problems with reading, and we feel that they will benefit by some reading support services, isn't that a public service involved, a public benefit, in providing reading support services for that child, no matter where the child may be attending schools?

Ms. **Goldsmith**. I think that has already been constitutionally decided, that diagnostic services are available to children, and that services are provided. There is a legal argument going on now. There are court cases, of course. Some have been decided, and some have not.

I would suspect that they would be argued and infinitum. Certainly there is not a constitutional requirement that every child read, although certainly I believe every child should be taught to read.

Mr. KILDEE. A public moral obligation?

Ms. GOLDSMITH. I think that is a legitimate answer.

Mr. KILDEE. All right. Now suppose beyond the diagnostic part, we find there is a learning disability. There are many learning disabilities with respect to reading. Do you think the government is prohibited from helping that child overcome that learning disability, no matter where the child may be attending school?

Ms. GOLDSMITH. I think the government helps children and the SLD children now come under the handicapped legislation. I believe the courts just ruled that the children could have help but it had to be on neutral ground, so to speak, comparable but not necessarily the same. I think that has been decided but I would have to ask my legal man to answer specifically.

Dr. Baker?

Mr. BAKER. I think they have really made the distinction here that it can be diagnostic, but any aid in terms of aiding the child who has a problem has to be either at public schools or at public buildings or, in the instance of the Ohio case, in mobile trailers off of the campus of the private school in order for it to meet the test.

Mr. KILDEE. It is not the case throughout the country, but very often diagnostic tests show where to apply the remedy to what has been discovered in the diagnosis and that has been done in both the public and private schools quite frequently.

We have a basic law in Michigan that anything you provide as auxiliary service has to be provided equally to both public and nonpublic schools. I helped write that law. I do not think there is a Catholic or Jewish or Protestant way to teach someone to overcome, or helping someone to overcome a learning disability, a reading disability. It is a basic need, I think a need of mankind, to be able to read in our society. But because some parents have chosen for one reason or another to put their children in one school, they are to be deprived then of some help because of that.

Ms. GOLDSMITH. I think our position would be a matter of where the help is given and how it is provided, and the entitlement that is involved in the transfer of public school faculty and programs into nonpublic schools. It always comes back down to how much involvement and how much entanglement is there when this begins to happen within the schools? Again we come back to, should we as public school people do this?

There is a lot of cooperation going on now. We were teaching a high school course in French, and they did not have it at the private school, so we taught it at the public school. We provided a bus and they came over from a nonpublic high school to a public high school. There is cooperation going on all the time and I would be supportive of that kind of thing.

Mr. KILDEE. The Federal Government very often, even this very day, is participating in purchase of service arrangements with a lot of private, educational, sometimes even for profit, organizations, for testing, et cetera. Yet we still maintain the control over the public dollar, doing that through the purchase of services.

Do you think that the purchase of service principle can be extended as it is in Michigan to the nonpublic school where you are actually purchasing a service that has a salubrious public effect?

Ms. GOLDSMITH. I do not think we would find that that was particularly constitutional. We would feel that the public dollar should be spent on the public schools.

Purchase of service is an interesting concept, but I do not think that we would support it as such but, again, I do not have my whole board with me. That would be my reaction to it as I hear it this morning.

Mr. KILDEE. You know, the service is in itself nonsectarian, the ability to overcome a reading disablity; you would be hesitant to allow the government to purchase that service?

Ms. GOLDSMITH. Not if it is going directly to a child. We have no problem with direct services to children. It is whether we are in fact aiding a school and a facility, if you like, an institution.

We have problems with supporting institutions. You see, I come back down around again to the constitutional issue of, do in fact our churches want to have our church schools particularly have to meet our standards, our time frames; what time schools start, what time schools end, do we send public school teachers in to teach a class at 10 o'clock if we want to have something else going on at 10 o'clock?

I think, and our organization thinks, that would be excessive involvement, which would not be good for religious institutions. So again we come down on what we really believe, public education, we should not be telling our religious institutions how they ought to behave, what they can do. When we can cooperate with individual students on individual progams we would be supportive of that move.

Mr. KILDEE. If I am reading you correctly, you are not really that opposed to purchase of services where there is a service that definitely has a public effect, a public good, that the State could purchase a service when that service is nonsectarian in nature?

Ms. GOLDSMITH. I think what we are saying is that it would depend on the kind of service we are talking about. Each service would have to be evaluated on its particular merits to what it was doing for the child.

Dr. Baker I think wanted to comment if you do not mind.

Mr. BAKER. If you are talking about what is purchased, reading instruction, math instruction, or history instruction, or PE instruction as services for nonpublic schools, I think the courts have been very clear in *Wolman* v. *Walter* that this cannot be done, because they say that this is an aid to the overall school program and the school program itself in the religiously oriented nonpublic school, that this does aid the whole program of religion and the courts have been quite clear that this is not constitutional.

I think in the most recent case the court decided this last term that it was not constitutional So it depends on what kind of services you are talking about on the purchase of service arrangement. I think most of them are not constitutional.

If you are asking for purchase of service from these people that supply hot lunches, I have no problem with that. I think that is an aid to a student and not an aid to education, but if you are talking about purchasing math teaching, then I think this is clearly unconstitutional and the courts have said so.

Mr. **Kildee**. Let's move from math to a basic learning disability; after you have diagnosed, and you say you have no objection to diagnostic testing in a nonpublic school; after the diagnosis is over, then do you say that we will not therefore provide the remedy for that reading or learning disability?

Mr. **Baker**. I do not think that that has been said at all. I think what was said by the court, again in the *Wolman* v. *Walter* case this year, is that it must be done at some place other than the nonpublic school facilities; the court was quite clear on that, that it could be in a mobile trailer, it could be in some other public building, or it could be done at the public schools. The mobile trailer could be parked on the street right next to the nonpublic school, as long as it is not a part of services within the school itself. The court was quite clear on that.

Mr. **Kildee**. Would you provide the citation for the committee on that? You can give it to us later.

The court is always fluid in its position, too, as you realize; since 1947 it has had a certain fluidity.

That is all the questions I have, Mr. Chairman.

Mr. **Blouin**. Do you have questions, Mr. Quie?

Mr. **Quie**. Sorry I was not here earlier. I had another engagement.

I tried to flip through your testimony in a hurry. Since I agree with you on the major points in your statement about the need to aid students wherever they are, I guess I will not ask you any questions.

Thank you for the good testimony.

Ms. **Goldsmith**. Thank you.

Mr. **Blouin**. In typical political fashion, Mr. Quie did not say who he was talking to. You are going to be Governor yet.

Father **Farrell**. On that note, thank you, too.

Mr. **Blouin**. Everybody can declare a victory and go home now.

Mr. **Quie**. I will be glad to identify to whom I directed my remarks. I was talking to representatives of the elementary and secondary schools of the United States Catholic Conference.

Mr. **Blouin**. We have one request of both Mr. Tobin and Mr. Baker. One of the most important cases now pending in Federal courts on this issue is in New York, where PEARL is challenging the provisions of Title I services to private school children on the premise of private schools. We would appreciate it if you could submit for the record the status of that case and issues involved and any other information that your groups may have on other major cases pending.

Mr. **Tobin**. There would be no problem with that.

Ms. **Goldsmith**. Be glad to.

[Information requested follows:]

UNITED STATES CATHOLIC CONFERENCE
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CHARLES M. WHELAN, Of Counsel
VINCENT C. ALLRED, Of Counsel

October 4, 1977

The Honorable Carl D. Perkins, Chairman
Committee on Education and Labor
2181 Rayburn House Office Building
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

At the conclusion of the testimony on the extension of ESEA by the United States Catholic Conference on September 21, 1977, the Committee requested that I provide an update on the status of litigation involving ESEA. That information follows:

Pearl v. Califano, No. 76, Cir. 88

The complaint in this case was filed on February 25, 1976 in the U.S. District Court for the Southern District of New York. The plaintiffs seek an injunction against defendants, the Secretary of HEW, U.S. Commissioner of Education and the Chancellor of the Board of Education of the City of New York, approving or carrying out Title I ESEA remedial and therapeutic services on the premises of nonpublic schools during school hours. A group of children and parents of children has intervened in the case. The plaintiff has taken no formal discovery. A three-judge court has been convened. A status conference is currently scheduled for October 12, 1977 at which time it will be determined whether there will be a trial with a full record or whether the issue will be resolved on facial constitutionality.

Wamble v. Boyer, 77-0245-CU-W-2

The petition in this case was filed on April 4, 1977 in the U.S. District Court for the Western District of Missouri. This case is similar in many ways to Pearl v. Califano. The plaintiff, who is also among the plaintiffs in Pearl, has requested a permanent injunction against implementation of the ESEA bypass provision by the U.S. Commissioner of Education. The injunction seeks to restrain the Commissioner from entering into any bypass contracts which would deliver educational services on the premises of parochial or private schools which segregate pupils on the basis of religion. A motion to intervene on behalf of certain children and parents has been granted. The parties are presently proceeding with discovery. November 7, 1977 has been set as a date for discovery cutoff. A hearing date is undecided at this time. The case will be heard before a single judge.

If you need any additional information on these or any other related cases, please do not hesitate to contact our office.

Sincerely,

GERALD C. TOBIN

GCT:mmr

National Coalition for
PUBLIC EDUCATION AND RELIGIOUS LIBERTY
Suite 613 • 1201 Sixteenth St., N.W., Washington, D.C. 20036 • (202) 833-5412

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November 4, 1977

Honorable Carl D. Perkins
2365 Rayburn Building
Washington, D.C. 20515

Dear Congressman Perkins:

At the time that the National Coalition for Public Education and Religious Liberty (PEARL) appeared before your subcommittee concerning H.R. 15, a bill to extend certain expiring elementary and secondary education programs, a member of the subcommittee asked for information concerning the difference between the G.I. Bill and other types of aid to non-public schools. Enclosed is a review of the subject by Dr. Hugh Wamble which I believe covers the subject.

A second question asked by the subcommittee concerned the status of the National PEARL suit filed in federal district court in New York, PEARL vs. Califano. Our counsel informs me that a three judge panel has been selected and a pre trial conference has been held before the Honorable Charles H. Tenney.

Sincerely,

Joanne T. Goldsmith
Executive Director

cc: Congressman Blouin

PARTICIPATING ORGANIZATIONS: American Association of School Administrators • American Civil Liberties Union • ACLU National Capital Area • ACLU of Connecticut • American Ethical Union • American Humanist Association • American Jewish Congress • Americans United for Separation of Church and State • Anti-Defamation League of B'nai B'rith • Baptist Joint Committee on Public Affairs • Board of Church and Society of the United Methodist Church • Central Conference of American Rabbis • Illinois PEARL • Minnesota Civil Liberties Union • Missouri Baptist Christian Life Commission • Missouri PEARL • New York PEARL • Monroe County, New York PEARL • Nassau-Suffolk PEARL • Michigan Council Against Parochiaid • National Association of Catholic Laity • National Council of Jewish Women • National Education Association • National Women's Conference, American Ethical Union • Preserve Our Public Schools • Public Funds for Public Schools of New Jersey • New York State United Teachers • Ohio Free Schools Association • Union of American Hebrew Congregations • Unitarian Universalist Association

G. I. Bill and "Aid-to-Student"

Hugh Wamble
Midwestern Baptist Theological Seminary
Kansas City, Missouri
September 21, 1977

SEP 26 1977

There are numerous differences between the G. I. Bill and most aid-to-student proposals.

1. In U. S. law the G. I. Bill falls under "Veterans Benefits" (Title 38 of U. S. Code), not under "Education" (Title 20).

2. The G. I. Bill is compensation-to-veteran, not aid-to-student. Congress stated that the purpose of the G. I. Bill's educational benefits is to aid persons "whose careers have been interrupted or impeded by reason of active duty," in order for them to attain "the vocational and educational status which they might normally have aspired to and obtained had they not served their country" (P. L. 89-358, Sec. 1651).

3. Military service is a prerequisite to the G. I. Bill. General aid-to-student proposals, however, require governmental service neither before nor after receipt of public funds. Aid-to-student is a gratuity, whereas the G. I. Bill is compensation-for-services-rendered.

4. A veteran's eligibility is directly related to length of service--"one month . . . for each month or fraction thereof of his service on active duty," up to thirty-six months (Sec. 1661). Aid-to-student proposals often impose no condition of eligibility except admission to a non-public school.

5. A veteran does not have to attend a private school in order to qualify for educational benefits. Under most aid-to-student proposals, however, public aid goes only to a student enrolled in a non-public

institution. Or, if public grants go to both public and private school students, the amount of the grant to a particular student bears some relationship to tuition and fee charges.

6. The obvious purpose of aid-to-private student proposals is to get public funds to private schools, most of them church-related, whereas the G. I. Bill has no such purpose.

7. Under the present (1977) version of the G. I. Bill a veteran enrolled in an acceptable training program receives a certain payment each month, calculated according to number of dependents. The veteran pays all costs incident to his training.

8. At present (1977) a veteran does not receive an amount designated for tuition.

9. At present (1977) the Veterans Administration does not make tuition payments to a school in a student's behalf. A Kansas City paper recently reported that a VA official opposed a proposal that the VA make payments to schools; he suggested that such practice made it too hard on the VA in verifying information submitted by schools.

The G. I. Bill, therefore, is not precisely the same as aid-to-private-student being sought by private schoolmen.

Aid-to-private-student is simply a device for getting around constitutional obstacles that prohibit the use of tax funds to help to support church-related institutions.

"Aid-to-student" and G. I. Bill are simply ingredients in the rhetoric that seeks to justify private and church-related schoolmen who want money from the public treasury.

Mr. BLOUIN. Thank you. We appreciate your coming. We have no more questions. We thank you for your continued interest.

The subcommittee will be adjourned until 8:30 tomorrow morning.

[Whereupon, at 9:55 a.m., the subcommittee adjourned, to reconvene at 8:30 a.m., Thursday, September 22, 1977.]

PART 12: NATIONAL ORGANIZATIONS

THURSDAY, SEPTEMBER 22, 1977

House of Representatives,
Subcommittee on Elementary, Secondary
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 8:30 a.m., in room 2175, Rayburn House Office Building, the Hon. Carl D. Perkins (chairman of the subcommittee), presiding.

Members present: Representatives Perkins, Kildee, Quie, and Pressler.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman **Perkins**. We welcome Dr. James D. Graham, Superintendent of Public Instruction, Kentucky State Department of Education, Representing: Council of Chief State School Officers; Dr. Gordon M. Ambach, Commissioner of Education, New York State Department of Education; Dr. Edward Keller, Deputy Executive Director, National Association of Elementary School Principals; Representative Delwyn Stromer, Iowa, and Assemblyman Cliff Wilson, New York, Representing: National Conference of State Legislatures; and Mrs. Ruth Mancuso, Vice President, National Association of State Boards of Education, accompanied by: Mr. Robert H. McBride Governmental Affairs Committee, NASBE.

Congressman Grassley.

STATEMENT OF HON. CHARLES E. GRASSLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. **Grassley**. It is my good fortune to introduce to you, Chairman Perkins, and members of the Education and Labor Committee, my good friend Delwyn Stromer. I had an opportunity to work very close with him in the Iowa Legislature.

Mr. Stromer has a reputation in our State for probably being the only Iowa Legislator who understands our complex aid formula. So, his serving on the committee in that field is very great. We consider him a great leader in education in our State.

Therefore, I want to introduce to you my friend, Delwyn Stromer.

Chairman **PERKINS**. Representative Stromer, I would just like to say that the gentleman who just introduced you, Congressman Grassley is one of our most honored members in the Congress.

We will lead off with the Kentucky State School Superintendent, Dr. Graham. Go ahead, Dr. Graham.

STATEMENT OF JAMES D. GRAHAM, SUPERINTENDENT OF PUBLIC INSTRUCTION, KENTUCKY STATE DEPARTMENT OF EDUCATION, REPRESENTING: COUNCIL OF CHIEF STATE SCHOOL OFFICERS

Dr. **GRAHAM**. Let me say, I appreciate being here and I want to pay tribute to Carl Perkins, the distinguished Representative from our state.

Mr. Chairman and members of the subcommittee, I am pleased to come before you today to review some common issues regarding the Elementary and Secondary Education Act. With the Committee's indulgence, I would like to focus my testimony on Title I. Since you've already had the benefit of the views of my colleagues within the Council of Chief State School Officers in the areas of paperwork burden, Title IV and other ESEA-related issues, you should know that the points I raise today represent a summary of opinions from various state and local officials that was pulled together by the Council of Chief State School Officers. From this survey, there has been developed a series of legislative recommendations that we believe will lead to an improvement of service to students with the greatest educational need.

The Council of Chief State School Officers reaffirmed its longstanding commitment to the educationally disadvantaged last November with adoption of the following policy:

Educational programs must be devised for students who are educationally disadvantaged, including migrant children. These programs should be designed to meet the special educational needs of disadvantaged children in order to help them achieve their individual learning potentials and participate successfully in American society.

With the adoption of Title I ESEA in 1965 the Congress expressed this shared commitment. After 12 years of operation, Title I has reached millions of children with a wide variety of compensatory educational services. Let's review for a moment some preliminary evaluation findings recently published by the National Institute of Education.

Ninety percent of the nation's school districts received Title I funds.

In Title I districts, an average of 90 percent of the eligible schools receive Title I funds.

Approximately 5.9 million public school students in grades K-8 receive Title I or State-funded compensatory education services. This is 19.5 percent of all public school children enrolled in those grades.

An estimated 116,218 nonpublic school students or approximately 5 percent of the total enrollment in nonpublic schools receive Title I-funded compensatory services.

Of all public elementary school teachers in 1975–76, an estimated 111,087 or 9.5 percent of the total, were involved for some portion of their time in providing compensatory education instruction.

While Title I services are diverse and vary with the needs of the school districts receiving funds, on an average the greatest portion of the budget is spent in the following ways:

The national average share of the Title I budget spent on instructional services is 76 percent. However, when districts are classified by economic status (average family income), lower income districts spend 20 percent less of their Title I budget than wealthier districts on instructional services.

The national average share of the Title I instructional budget spent on reading is 53 percent.

The national average share of the Title I instructional budget spent of mathematics is 19 percent.

The national average share of the Title I instructional budget spent on language arts is 10 percent.

Clearly the Title I program has been successful in reaching large numbers of children to povide them with valuable compensatory education. However, the Council believes that the Federal Government must make a firmer commitment to full service in the years to come.

Despite the successes of the Title I program, only 57 percent of the eligible children are receiving services. In order to meet the Federal commitment to serve all disadvantaged children with special educational needs, the Federal contribution must be increased to, at the very least, full funding of the authorized $5 billion. Even so, recent estimates indicate that even this amount may be inadequate to meet the need.

The Council is aware of the competition for Federal funds; however, States have the responsibility for providing regular education services as well as shouldering the major burden for education programs for non-Title I children with special needs, that is, handicapped children.

Inflation and rising energy costs have made the competition for State and local education funds even more intense. Indeed, some districts have had to reduce their Title I enrollments to provide adequate services to the more needy children. Since the major responsibility for providing compensatory education services to disadvantaged children has rested historically on the Federal Government, it is appropriate that present funding commitments be honored at the Federal level and that more realistic funding levels be authorized in the future.

The Council urges the Congress to reaffirm the original Declaration of Policy for Title I which is to provide financial assistance to school districts serving areas with concentrations of children from low-income families, and within these school districts, to school buildings serving the highest concentrations of educationally disadvantaged children. This policy can best be realized by legislative changes which allow greater authority and flexibility at the State level, to develop plans for meeting the unique educational needs faced by each State.

ESEA, Title I legislation should be modified to allow State education agencies the option that Title I be organized as a State plan program based on a single State allocation.

In certain situations, because of differences among States, Federal regulations prevent administrative procedures which would ultimately result in more effective delivery of services to children. When such situations exist, States should be allowed to request approval in a State plan to waive certain specific restrictions imposed by rigid regulations so long as the State could demonstrate compliance with the intent of the statute. The local school district allocation formula for each State education agency electing this option would be submitted as part of the state plan to be approved by the U.S. Commissioner of Education. While the following examples do not represent Council endorsement, they illustrate some of the diverse concerns individual States might wish to address:

1. Procedures to insure that school districts have distributed their local and State funds equitably before Federal funds are received.
2. Procedures to insure that Federal funds are used compatibly with existing state finance equalization plans.
3. Procedures to insure that statewide maintenance of effort is compatible with state law and state education funding procedures.
4. A statement of assurances regarding the joint administration and coordination of Federal funds with State funded compensatory education programs.
5. Procedures to insure equitable suballocation of funds from the SEA level to the LEA level particularly in those States where school districts cross county lines.
6. Procedures describing the role and function of parent advisory councils within a given State.
7. Procedures for providing increased Title I funds to urban and rural areas within a State that allow States to increase aid on an upward sliding scale using concentrations of economically disadvantaged children and size of district as the principal criteria.

It should be noted that the Council, in considering these recommendations, does not envision a state plan of the voluminous nature which the U.S. Office of Education has required for other programs which reflect overly prescriptive attempts by the USOE to regulate local education agencies (LEA). What is recommended is a compliance document with specific alternatives of complying with statutes which would remain in effect for a period of years with annual updates only as necessary because of additional requested changes.

Also recommended, along with the State plan concept, would be a provision whereby a State plan or any updates would automatically be approved, if within a reasonable amount of time (30, 60, 90 days), the USOE had not notified the State education agency of disapproval.

Some examples of how State education agencies might use a State plan are as follows:

1. In a State where State resources are allocated by law at the county level in such a manner as to distribute resources equitably, but still allow counties and districts within a county discretion regarding their use of resources (teachers, aides, materials), a State plan would require the LEA to provide assurances that State re-

sources were distributed equitably before Federal funds were used. This procedure provides flexibility since some States regard some things other than teachers, aides or per pupil expenditure in considering resources.

2. In States where maintenance of effort is tied to the passage of annual education budgets by an electorate their State plans would provide procedures whereby a district whose maintenance of effort fell because of a budget which had failed could demonstrate the cause and provide assurances that supplementation was not taking place.

3. In States that fund State compenatory programs the State plan could provide procedures and policies whereby the State funds and the Federal funds could compliment each other and not compete.

4. A State plan could also clearly describe how suballocation to the LEA's could be made below the county level, particularly in States where school districts commonly cross county lines. The procedures would provide for an equalization of funds across the State with calculations being made at the State level to provide a standard per pupil figure behind every participating child.

5. In States that believe subcounty allocations result in considerable inequities within the State because of great variations among the districts in regard to levels of concentrations of eligible children, their State plans might well provide procedures to give priority to relatively high-concentration schools and low priority to low-concentration schools. In addition, their plans could provide priorities of service in terms of levels such as preschool, elementary, junior high, etc. The result might be a rank ordering of buildings to receive service across that particular State.

6. In those States where ESEA Title I funding to its large urban areas is not in any real sense keeping pace with the needs of urban children and the present funding formula holds no relief unless at the expense of other smaller districts, State plans might well contain procedures whereby any increased funding to the State would be concentrated in urban areas using a sliding upward scale based on size of district and concentrations of economically disadvantaged children as the principal criteria. The upper level of the scale would approximate full funding for migrant children or children in institutions.

The above examples are intended to illustrate the very real differences existing among States that prevent them from fully utilizing Federal funding for the greatest benefit of the children who most need the services. State plans could address these problems. The U.S. Office of Education could continue its close administration of the program and many more children could be served more efficiently by allowing greater authority and flexibility at the State level.

It would appear that there are serious educational, as well as administrative problems, with current practices and procedures carried out under Title I, and that services to disadvantaged children could be enhanced and improved if the Congress would encourage the States to explore bold and unique approaches to the provision of Title I services. Legislative intent should be clear in this regard, so that this is not later obfuscated by regulations. It is clearly time for a reaffirmation of the partnership which should exist between Federal, State and local efforts to provide appropriate and efficient educational services to disadvantaged children.

In addition to the basic concept of a State plan allowing greater authority and flexibility at the State education agency level, the Council offers these additional recommendations on Title I legislative changes.

Current comparability requirements are too restrictive. The Council recommends a single comparability standard based on the existing per pupil expenditure for instructional salaaries. The mini-comparability report for handicapped should be eliminated from the regular comparability report.

State education agencies should be granted some discretionary authority to deal with certain extenuating circumstances which arise periodically. In addition, the present severity of the penalty for an error in computing comparability is excessive. The system of having to return the entire amount of funds expended in all Title I schools because of a mathematical error or just one school not being comparable is unfair and should be changed.

The Council recommends that the Congress study the set-asides in Title I for handicapped, migrant, and neglected and deliquent children to determine if this is the most effective and efficient way to service these groups.

The Council commends the Congress for strengthening the language of Section 432 of the General Education Provisions Act through the Education Amendment of 1976 (P.L. 94-482), and encourages the Congress' reaffirmation of the prohibition against Federal control of education.

The Council suggests that there should be a specific set-aside for Title I program improvement. The idea would be for the State education agencies to have earmarked funds to conduct or support programs to upgrade the methods of serving disadvantaged children. For example, such funds could support dissemination/demonstration type projects at the local, State, and regional level which have been identified as programs worthy of the attention of other districts as a model for better Title I practice and methodology.

This type of program would enable the State education agency to exert greater leadership and service to LEAs and also disseminate information about successful Title I programs. Some State education agencies have been able to approach this idea through Part B programs, however not all States (North Carolina is an example) receive Part B funds. Also, while the reallocation process could theoretically provide funds for such a program, the complete LEA utilization of Title I funds precludes this option for most States. The set-aside would be modeled after the Commissioner's discretionary grants, and would focus on practical approaches to program improvement and staff development strategies and would not be in conflict with other research-related efforts to improve Title I.

Low-rent housing funds provided under the Impact Aid program are earmarked for use for ESEA Title I-type purposes only. Hence, unlike the remaining portion of the Impact Aid program (with the exception of the handicapped) which can be used by LEAs for general education purposes, low-rent housing funds can be used by the LEA only upon approval of an application to the State Education Agency. No administrative funds are provided to SEAs for this purpose.

The Council believes that funds for low-rent housing children should be protected; however, we recommend elimination of language making reference to the categorical use of funds for Title I purposes.

If this approach is not successful, we would recommend that additional administrative funds be set aside for SEAs in the Title I program in order to accommodate this increased responsibility over Impact Aid low-rent housing funds.

Contracted Title I employees should be permitted to participate proportionally to the non-Title I staff in all school activities as long as it does not prevent them from fulfilling their Title I responsibilities.

The Council urges the Congress to develop a clearer definition of "supplant."

As the Title I program has developed over the past years, the role of the State education agency has conceptually been that of a "silent partner." As the Federal Government has sought to seek tighter control and guidance of Title I funds and programs, it has led to an increasing and natural reliance on State education agencies as more properly that of a "general partner" in the enterprise of providing effective educational services to disadvantaged children. State Title I administrators have been called upon to enforce more and more regulations, implement new and more detailed Title I evaluation requirements, monitor districts for comparability determination, enforce additional parent advisory council participation in Title I programs, provide technical assistance and leadership to support demands on LEAs, and to respond to an ever-increasing demand for Title I data and information in response to federally mandated studies of Title I. In recognition of these additional responsibilities placed upon the States and the Council's desire to forge an expanded State responsibility for Title I management, the Council strongly recommends that the provisions for State administration be raised to a sum not less than 1.5 percent of the basic grant or $300,000 whichever is greater. With these funds State education agencies will be in a position to fulfill their partnership role in meeting the needs of disadvantaged children.

In conclusion, in recognition of the Council of Chief State School Officer's commitment to assist the outlying areas of the United States in overcoming special problems, we ask the Committee's consideration of allowing our U.S. territories to use Title I funds allocated to them under their existing set-asides in a more flexible manner. Since the overwhelming majority of the children in these areas fall way below the minimum poverty guidelines, we ask you to consider allowing the territories to use Title I funds more as general upgrading of the education system as already suggested by the U.S. Office of Education in the questions which appear in the June 28 Federal Register.

Moreover, the committee should seriously consider increasing the $25,000 allotted for administration to each of the U.S. outlying areas. The effect of inflation in these areas is particularly severe, and their $25,000 has remained constant.

I appreciate very much the opportunity to have presented some of these issues before you today, and will be happy to respond to any questions you might have. Thank you.

I think in closing, I would summarize my remarks in general by saying we like Title I, we need it and it represents a proper Federal role in education and I want to commend the committee and Congress for this great piece of legislation chaired by our own Kentucky Congressman, Carl Perkins.

Chairman PERKINS. Let me thank you, Dr. Graham, for your testimony this morning.

Let me deviate from your testimony just a moment concerning the disastrous flood we had in the first four days of last April, along the Duck Fork, and the damage and destruction of many school buildings. Could you discuss whether those schools have been able to receive any disaster funding for rebuilding?

Dr. GRAHAM. I would be happy. I think eastern Kentucky, 14 counties with some 19 school districts, was hit hard by a spring flood. The Federal authorities were very responsive to this need, they came down, inventoried and discussed our problems with us. But, as the Congressman has said, we have only received moneys for two school districts in Pikeville, Pike County. We feel a dire need for disaster funds to reimburse those school districts for this flood damage. We understand there may be a shortage of funds but we appeal to you, your committee and the Congress, to see if there is not some way or some method whereby we could get additional moneys for the other school districts.

This is a serious problem. We have started schools already this year and we lack the moneys to restore schools to a proper functioning capacity. I think, Congressman, this is a serious matter. You know, there are restrictions in Title I for building purposes unless it is a severe emergency and I think you might even consider this.

Chairman PERKINS. Of course, the present law provides they may take funds from other educational programs that are not being utilized and later reappropriate, but, as I understand the problem, there are no other educational programs that haven't utilized those funds and, for that reason, the disaster money has not been forthcoming to the other school districts. It creates an embarrassing situation when Pike County gets the money and Floyd County says that Carl Perkins and the Congress are discriminating against Floyd. Is that correct?

Dr. GRAHAM. You also realize this is very depressing generally with parents who are concerned as to the best quality education they can receive. Unless school buildings are structurally in good shape, particularly the huge rooms, we have had a serious problem with the loss of huge school facilities and we don't have any unused funds at the State or local levels. We would hope this problem could be funded by Washington. It is a serious problem and it is an area where a high number of disadvantaged children reside.

Chairman PERKINS. I see from your statement you mention the paperwork burden and then you recommend a number of provisions to cut back on the paperwork. I look forward with a great deal of interest to this report and would like to ask you if you have any suggestions at this time? I am talking about the report of the Council of State School Officers, and I appreciate the Council responding so expeditiously to my request to establish a task force and go through all the expiring programs.

Dr. **Graham**. It is my understanding there is a Committee of State School Officers working on a report which they hope to submit to you sometime in October, perhaps the 11th or 12th, I am sure that will be forthcoming, in which we have some pertinent suggestions. As you know, paperwork is a problem.

Chairman **Perkins**. We all talk about that, but somehow we end up placing more requirements in the law and just compound the problem every year.

Let me ask you one further question: I notice you stated that about 75% of the disadvantaged are being taken care of at the present, if I understood your testimony correctly. I would like to know whether you feel at this time we should place on top of Title I a general Federal aid to education program, perhaps keeping in mind a requirement from the Federal level that it be utilized more or less as an equalizing factor within the various States.

Would your council be in favor of a program of that type?

Dr. **Graham**. I would be unable to speak, Congresman, for the Council of Chief State School Officers, because I have not been in discussion, even though I am a part of the legislative subcommittee, we have not discussed this in depth.

Chairman **Perkins**. One related question, then: Of course, the Economic Development Administration has put very little money into the dilapidated and deteriorated school systems of the country. They have put it everywhere else.

The school people, by and large, have been discriminated against, I don't mind using that word looking at my home area.

We, of course, have a program in my home district whereby the Appalachian Regional Commission funds can be used for vocational education construction, leaving only the local matching at 20 percent.

Title I permits school construction but the Office of Education has always been against using funds for school construction because of limited funding.

Would you feel that the Chief State School Officers would prefer or support a program on top of Title I for school construction and related facilities to the extent of about $2 billion, for those areas of the country of greatest need? I am talking about inner cities and rural areas with an unemployment figure of a very high percentage?

Dr. **Graham**. Certainly I think the school districts of the country should be eligible as any other agency without the five point penalty or the two point penalty.

I would first like to see the appropriation match the authorization in Title I. Then I would have no objection at all to using an add-on for school construction where it is direly needed or even within that authorization within Kentucky doing what you are allowed to. Certainly I think within the United States there are wealthy pockets and needy pockets and you have an equalization principle certainly if you go to the other when you talk about adding on a general aid formula, but I have no objections to that.

Chairman **Perkins**. Mr. Quie.

Mr. **Quie**. Mr. Graham, I would like to review a couple of statistics in your testimony. On page 2, you mention that 19.5 percent of all public school children received Title I or State-funded compensatory education services; 23.4 percent of all students are underachievers. The study indicates that of the 57 percent of the eligible children receiving support, 43.5 percent of the poor children are underachivers. That would indicate if we were only providing aid for poor underachievers we are serving a lot more than only the underachievers. When you talk about 57 percent of the eligible children, are you talking about the ones eligible by the formula?

Dr. **Graham**. I would say eligible per the formula.

Mr. **Quie**. On page 9, you mentioned at the bottom of the page, the mini-comparability for the handicapped should be eliminated from the comparability report for the handicapped.

Dr. **Graham**. It is my understanding that is as to the overall comparability. We have handicapped mixed with Title I and probably vocational and it is pretty hard to administer when you have a part of handicapped in Title I. It is a sort of a difficult technique to evaluate this as a part of the overall Title I comparability report. I would like to see the handicapped grouped together rather than put it in this report. It has more relevancy as to exceptional children. So, what I am saying is I hope we can move it from here to where it more closely belongs.

Mr. **Quie**. As the sentence indicates, you would like a single comparability standard for instructional salaries, then use that standard when you implement Title I and 94-482?

Dr. **Graham**. It is an easier measure. I think the 5 percent comparability is pretty tough.

Mr. **Quie**. On instructional salaries are you talkng about just the straight salary or the fringe benefits as well?

Dr. **Graham**. Excluding fringe benefits. I think that would involve more paperwork and I expect they would total out. Within districts it wouldn't make much difference but when compared outside the districts there would be quite a difference.

Mr. **Quie**. Let me ask you, on the current priority in the law for funding the migrant programs and the handicapped programs do you think we ought to continue that in the way it is now?

Dr. **Graham**. The current handicapped?

Mr. **Quie**. The State-operated programs for the handicapped and the migrant are funded off the top of the authorization before you divide the remainder among the school districts. Do you feel that should be continue?

Dr. **Graham**. I don't feel strongly, so long as we have an appropriation added for both.

But I think in priorities, if you say we funded first, that indicates the priority is first and I don't see it that way. I don't think it would make a lot of difference if we had the adequate moneys to fund both properly. I wouldn't quarrel with the priorities of funding.

Mr. **Quie**. The last question I have is as to page 12. You say: "The council urges the Congress to develop a clearer definition of 'supplant'."

Dr. **Graham**. Congressman, I would have a more concise definition without the broad parameters of interpretation which we sometimes are prone to assign statements of Congress.

Mr. Quie. If you would go back and send us a more definitive explanation, I would ask unanimous consent it be placed in the record.

Chairman **Perkins**. Without objection.

[The information requested not received.]

Chairman **Perkins**. We will now hear from Dr. Gordon M. Ambach, Commissioner of Education, New York State Department of Education.

We are delighted to welcome you here. We have known your legislative representative for many years and he has done a tremendous job for your great state.

STATEMENT OF GORDON M. AMBACH, COMMISSIONER OF EDUCATION, NEW YORK STATE DEPARTMENT OF EDUCATION

Dr. **Ambach**. Thank you very much.

Mr. Chairman, Congressman Quie, it is a great prvilege to join you this morning to talk about elementary and secondary education. It is a pleasure to recognize the leadership you and Congress has given in this most important Federal Education Act. We in New York have been the beneficiary of this Act as have our colleagues in the other States for these 12 years and it has made a tremendous impact on our program and I would like to take this opportunity to thank you for your leadership in elementary and secondary education.

Mr. Chairman, we have filed with the committee an 85 page statement on several acts.

Chairman **Perkins**. Without objection, your complete statements will all be inserted in the record.

[The prepared statement of Dr. Ambach follows:]

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

SUMMARY STATEMENT
BEFORE THE
SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION
SEPTEMBER 22, 1977

Mr. Chairman and Members of the Subcommittee:

I am Gordon M. Ambach, President of The University of the State of New York and Commissioner of Education. I would like to extend my appreciation for this opportunity to appear before your distinguished Subcommittee today. I am aware that the Subcommittee has been holding a series of hearings on individual titles of ESEA, and since our State education agency has a very broad jurisdictional purview, I appreciate the opportunity to comment on several of the elementary and secondary programs pending reauthorization.

As we prepare for the decade of the 1980's, we must carefully measure our experiences and set new, more effective directions for the Federal-State-local partnership in education. Education is primarily a State function and we believe, therefore, the role of State education agencies in Federal programs must reflect this principle.

Since our testimony is very lengthy, I request your permission to submit the full text for the hearing record and, at this time, highlight several of our recommendations.

I. ESEA, TITLE I

In developing a comprehensive set of recommendations for Title I, we focus on six major areas. We urge that the basic concepts of this Title be maintained. I will comment on four areas of change we recommend.

A. Formula Inadequacies

The formula for distribution of ESEA I funds presents problems both for distribution among States and within States.

There were a number of developments in the early 1970's which warranted revision of the Title I distribution formula. However, the formula finally adopted in 1974 has major flaws, such as an inequitable measure of poverty, lack of updated county data, and a penalty against high effort States. The formula has resulted in a reduction of funds for a great number of the Nation's largest cities. Table I, page 3 of our testimony, indicates the total dollar and percentage reductions between FY 1974 and 1976 suffered by 19 cities. During this period, total national appropriations for the program increased 10 percent.

These reductions result from the combination of several factors in the present formula which are discussed at greater length in the full text of our testimony.

The intrastate distribution provisions should be changed also. The current targeting formulas are intended to ensure the most needy students receive services. However, they do not provide that within a state, pupils in different districts who have similar poverty status or educational need will receive services. Many disadvantaged pupils in urban areas are denied services because they attend a school building which falls below the district-wide average. On the other hand, these same pupils would be eligible if they resided in a low poverty district.

We have the following recommendations on the allocation of Title I funds:

1. The national allocation should be shifted from the county to the State level, with the use of annually updated state-by-state poverty population estimates. Such yearly estimates would allow for smooth transition between mid-decade census counts which begin in 1985;

2. State education agencies should allocate funds within the State on the basis of a plan approved by the U.S. Commissioner of Education. States should have the option of concentrating funds to fit each State's unique problem areas;

3. Where State programs are similar to Title I, the Federal Government should allow the programs to complement each other without major audit problems.

4. Extra weight should be assigned in the county and subcounty allocation formulas to account for heavier concentrations of target pupils in some local education agencies, with increases in Title I funding to be directed toward these local education agencies.

5. The 120 percent limitation on State per pupil expenditure should be raised or eliminated; and

6. Congress must encourage and direct a combination of Federal agencies to develop workable criteria and data acquisition techniques for a new poverty definition which would provide more equitable treatment of poor families in

densely populated jurisdictions.

B. Expansion of the State Role

As the Federal Government has sought tighter control and guidance of Title I funds and programs, there has been an increasing and natural reliance on State education agencies as more properly that of a "general partner." During the past decade, there has been a general strengthening of administration at all levels, broader understanding of ESEA goals, and achievement of a higher degree of compliance with fund allocation requirements. The respective State and Federal roles in this program should be re-examined.

Title I should be modified to allow State education agencies the option of administering Title I as a state plan program based on a single application, with a similar planning component for the local education agencies. The state plan submitted to the Office of Education could be a comprehensive five-year plan with annual updates based upon changing circumstances within the state, such as demographic changes, and annual evaluation of the compensatory education program. The same concept should be substituted for the current annual project application from local education agencies.

In addition, we strongly recommend that the provisions for state administration be changed to a sum not less than 1.5 percent of the state's basic grant or $300,000, whichever is greater. The present 1 percent has been in effect for years and does not take into account the impact of inflation, the increased responsibilities placed on State education agencies in this period, or the more recent problems of indirect costs experienced by some State education agencies.

C. Parent Involvement

There is widespread concern that after 12 years of effort in Title I and other similar programs, large numbers of children continue to perform at unacceptably low levels. There is, however, strong evidence that pupil performance in school is influenced heavily by the parents' educational background and the involvement of parents with the education of their children.

To encourage stronger school-child-parent partnerships, it is proposed that there be a Federal program to support education of parents of Title I eligible children, as an integral part of Title I, or perhaps in collaboration with the Adult Education Act. In the first years, the Congress would authorize State education agencies to make grants to eligible applicants in the development of needed programs. Thereafter, State education agencies would carry out the sequence of validation, demonstration, and dfffusion of promising programs in an effort which would have great State and national significance.

D. Economic vs. Educational Achievement Data in the Allocation of Title I Funds

There has been much discussion in the past few years about the effect of using academic achievement data as the basis for allocating Title I funds nationally. New York State strongly opposes the sole use of such data in a Federal allocation formula for Title I for these reasons:

1. No national measure exists. The development of a reliable national instrument for measuring educational achievement would be a costly endeavor.

2. The total number of Title I eligible children would increase if national achievement data were used rather than economic data because non-poor but low-achieving children would draw on Title I funds as well as poor children.

Title I continues to be grossly underfunded for the current number of eligibles and those children should continue to be the prime recipients.

3. If funds were allocated using solely achievement data and constant dollars provided, there would be a significant shift of resources away from urban areas and concentration of the poor to suburban areas. This is illustrated in a study we carried out in several selected urban counties in upstate New York.

II. ESEA, TITLE IV

Consolidation of seven categorical programs under Title IV of ESEA has solved a variety of problems, but has created several others. Our recommendations include:

1. Separate applications should be required for Parts B and C, rather than the single application with its single filing date. Since Part B is a formula program and Part C a competitive one, it is virtually impossible for us to administer the program under this restriction.

2. It is important for sound program administration that the law be amended to provide the former 7½ percent levels for administration rather than the unrealistic 5 percent. When Title IV was created in 1974, the consolidation of categorical programs forced administrative burdens on States. At the same time, administrative funds for State education agencies were reduced, which has been further compounded by inflation and rising salary schedules to meet the cost of living.

3. One alternative to the effective management problem in Title IV and other Federal educational programs is the creation in Title IV-C of a comprehensive State education agency/local education agency management capacity building program. The program would be administered by State education agencies working with local education agencies, and would involve the following

components presently scattered throughout a number of categorical programs: evaluation, demonstration and dissemination, technical assistance, monitoring, test development and testing, management inservice training, and improvement of educational data information systems. Such a program would combine these functions into a single management capacity system which would be applied to all the various Federal categorical programs.

III. ESAA

Among the items recommended in this area, two are highlighted:

1. Most ESAA funds are being used for compensatory education in basic skills, a duplication of ESEA, Title I. There should be a reexamination of the purpose of ESAA in this regard: either ESAA should be consolidated with Title I or ESAA should be an intergroup relations and desegregation program, leaving Title I as the basic skills program. We favor the latter.

2. We suggest that ESAA should be administered within a state by the State education agency, which would then suballocate funds within the state. With an ESEA, Title I, state plan program, ESAA could be administered by the State education agency with good coordination for this program, Title I and the state's own compensatory education program, if such exists.

IV. IMPACT AID

The Education Amendments of 1974 provided funding within category "B" of the public low-rent housing program. This was a compromise in the revision of the ESEA, Title I, formula since so many districts with concentrations of low-income children otherwise lost funds. Forty-one districts in New York State receive funds under this provision. We strongly oppose any attempt to eliminate or modify language in impact aid which would have the effect of diminishing funds for this category.

V. ADULT EDUCATION

Two areas are identified for consideration in the Adult Education Act: the question of immigrant education, particularly with the President's proposed amnesty plan for illegal aliens, and the problem of nonparticipation on the part of the disadvantaged.

1. New language allowing a state authority to set aside up to 10 percent of its allotment for the operation of citizenship education programs for immigrant aliens.

2. A new authorization of approximately $5 million for planning grants to the States, to be used to fund needs assessments, long range planning, and articulation of adult education with other programs, such as CETA. This change should also allow States to collaborate with local, regional and cross-regional levels in the planning process.

VI. BILINGUAL EDUCATION

Recent Federally sponsored reports on bilingual education have been critical of these programs. We believe the program has been effective to a large degree, but there is room for improvement. Highlights of our recommendations follow:

1. The bilingual/bicultural concept should be retained in the program;

2. Direct Federal monitoring and administration of the bilingual program has not been successful. We now have a $135 million "demonstration" project. We recommend the program be changed to a state administered program, with

allocation to the States based on the school aged, limited-English-language-proficient population, to be determined annually by statewide language assessments. States should submit to the U. S. Office of Education a comprehensive five-year plan with annual updates, which would propose criteria and methods for intrastate allocation. Coordination could be achieved at the state level with bilingual programs in ESAA and vocational education; and

3. We recommend strongly an immigrant education program, possibly integrated into the bilingual education program. This can be done in a number of ways, including the addition of a new Part D, Financial Assistance for States Providing Educational Services to Immigrant Children, or a separate set aside within Part A as a state administered program.

Finally, I would like to emphasize Appendix I to our testimony, an issue paper on the education of immigrant children which Members of the Subcommittee may find of interest. We have offered a number of recommendations on immigrant education, both to the Adult Education Act and the Bilingual Education Act which are by no means exclusive proposals. We would be willing to work with the Subcommittee in exploring alternatives in this area.

I thank you again for the opportunity to convey our recommendations, and would be pleased to answer any questions you may have.

Statement By

Gordon M. Ambach
President, The University of the State of New York
and Commissioner of Education

Before The

Subcommittee on Elementary, Secondary and Vocational Education
Committee on Education and Labor
U. S. House of Representatives

Mr. Chairman and Members of the Subcommittee:

I am Gordon M. Ambach, President of The University of the State of New York and Commissioner of Education. I would like to extend my appreciation for this opportunity to appear before your distinguished Subcommittee today and express our views on the reauthorization of Federal elementary and secondary education programs. For Members of the Subcommittee who may not be familiar with the uniqueness of our educational governance system in New York State, I would like to give a brief description.

The University of the State of New York, established in 1784, is the oldest educational agency in the United States. It is a governance concept which includes all public and private colleges and universities, elementary and secondary schools (including vocational education), libraries, museums, Education Television Councils, historical societies, vocational rehabilitation institutions, and all other educational agencies in the State. The governing board of the University is the Board of Regents, and the administrative body is the State Education Department.

I am aware that the Subcommittee has been holding a series of hearings on individual titles of ESEA, and with our broad jurisdictional purview, I appreciate the opportunity to comment on all elementary and secondary programs pending reauthorization. It is my understanding that the Subcommittee's intention is to provide an additional one-year extension of these programs to carry them through by 1980. If this indeed passes the Congress, we are not talking about any new reauthorizations taking effect until FY 1981. The Federal involvement in elementary and secondary education has become extremely complex over the past 12 years. As we prepare for the 1980 decade and its new challenges, we must carefully consider from our past and present experiences, what the desirable directions should be in a Federal-State-local partnership in education. With education constitutionally a State function, the role of State Education Agencies must be a vital one in this regard.

My remarks today are addressed to the following programs in this order: ESEA Titles I and IV, Emergency School Assistance Act, Impact Aid, Adult Education, and Bilingual Education; Appendix I contains our issue paper on Federal Aid for the Education of Immigrant Children which the Members of the Subcommittee may find particularly interesting.

CONTENTS

Page

I. ESEA, TITLE I 1

- A. Formula Inadequacies 1
  - 1. Interstate Distribution 1
  - 2. Intrastate Distribution 9
  - 3. Formula Recommendations 10
- B. Difficulties on the Operational Level 13
  - 1. The Prevalent ESEA, Title I, Project Model 13
  - 2. Local Designs of the ESEA, Title I, Project 17
  - 3. Selection of Title I Students 18
  - 4. Desegregation 19
  - 5. Operational Recommendations 19
- C. Evaluation of ESEA, Title I, Effectiveness 21
- D. Expansion of the State Role 25
  - 1. State Administrative Funds 25
  - 2. Indirect Costs 26
  - 3. Recommendations for State Administration 27
  - 4. State Assurances 28
  - 5. Recommendations on State and Federal Responsibilities 29
- E. Parent Involvement 33
  - 1. Parent Education Program 33
  - 2. Parent Advisory Councils 36
- F. Economic vs. Educational Achievement Data in the Allocation of Title I Funds 38

Page

II. ESEA, TITLE IV 44

A. Part B 44
B. Part C 47
C. SEA/LEA Management Capacity Building Program 51

III. EMERGENCY SCHOOL ASSISTANCE ACT 57

IV. IMPACT AID 60

V. ADULT EDUCATION 62

A. Immigrant Education 64
B. Special Projects for the Elderly 65
C. Planning Grants 65

VI. BILINGUAL EDUCATION 67

A. Definitions 68
B. State Plans 70
C. Training 72
D. Advisory Committees 73
E. Immigrant Education 74

APPENDIX I--FEDERAL AID FOR THE EDUCATION OF IMMIGRANT CHILDREN

I. ESEA, TITLE I

In developing a comprehensive set of legislative changes regarding pupils with special educational needs under ESEA, Title I, we will focus on six major areas: formula inadequacies, difficulties at the operational level, problems of evaluating effectiveness, the need for an expanded state role in Title I implementation, the need for increased parent involvement, and the question of allocating funds on the basis of educational achievement vs. economic data.

A. Formula Inadequacies

Formula distribution of ESEA, Title I, funds presents problems both in the state-Federal partnership and on an intrastate level.

1. Interstate Distribution

There were a number of developments in the early 1970's which warranted review and revision of the Title I distribution formula. The 1970 census data on poverty revealed major shifts in low-income populations which impacted heavily on the distribution pattern of Title I funds. In addition, the count of children in families on AFDC grew from 10 percent of the total Title I children in FY 1966 to more than 60 percent of the total in FY 1974. Both developments caused an increased distribution of funds to metropolitan areas. Major conflicts developed among cities and States over proposed adjustments in the formula to compensate for these changes.

The formula that was adopted in 1974 has major flaws. It includes an inequitable measure of poverty, lack of updated counts, and a penalty against high effort States. The formula has produced a reduction of funds, from FY

1974 to FY 1976, for a number of the Nation's largest cities. The table on page 3 indicates the total dollar and percentage reductions in this period suffered by 19 cities. During this period, total national appropriations for the program increased 10 percent.

The reductions in the large cities result from the combination of the following factors in the present formula:

a. The use of the Orshansky poverty index as a method of determining low-income levels below which families are considered poor;

b. The diminishing proportion of AFDC counts in the formula;

c. The lack of updated poverty figures at the county level between decennial census counts;

d. The 120 percent ceiling on the States average per pupil expenditure used in the payment rate of the formula;

e. The new definitions used to count migrant children, resulting in an increasing portion of Part A funds for the migrant program, to the loss of the local education agency portion of Part A; and

f. The phase-out in FY 1975 of Part C, special grants to urban and rural schools with the highest concentrations of low-income children.

The present formula has two parts: a poverty count and a payment rate. The poverty count consists of children age 5-17 in poor families as defined by the Orshansky poverty index applied to the 1970 census count, and two-thirds of the children from families receiving AFDC payments exceeding the Orshansky poverty figure for a non-farm family of four. The poverty line used for a non-farm family of four is updated annually according to rises in the Consumer

TABLE I
ASSISTANCE FOR EDUCATIONALLY DEPRIVED CHILDREN
ESEA, Title I

City and State	1974	1976	Difference 1976-74	% Dec. 1976-74
Atlanta, GA	$ 5,391,804	$ 4,835,368	$ -556,436	-10.3
Boston, MA	8,119,262	7,423,747	-695,515	-8.6
Buffalo, NY	7,801,209	5,917,285	-1,883,974	-24.1
Camden, NJ	4,419,873	3,041,861	-1,378,012	-31.2
Charlotte, NC	2,531,404	2,296,957	-234,447	-9.3
Chicago, IL	49,196,646	45,507,048	-3,689,598	-7.5
Cleveland, OH	11,271,775	7,766,648	-3,505,127	-31.1
Des Moines, IA	1,329,358	1,235,488	-93,870	-7.1
Gary, IN	1,979,478	1,594,800	-384,678	-19.4
Los Angeles, CA	30,866,922	26,814,295	-4,052,627	-13.1
Louisville, KY	4,125,219	3,859,019	-266,200	-6.5
Minneapolis, MN	3,815,743	2,947,797	-867,946	-22.7
New York, NY	161,847,717	117,663,003	-44,184,714	-27.3
Newark, NJ	11,299,168	9,830,951	-1,468,217	-13.0
Philadelphia, PA	28,567,577	25,366,862	-3,200,715	-11.2
Rochester, NY	5,377,643	3,705,385	-1,672,258	-31.1
St. Paul, MN	2,029,243	1,745,640	-283,603	-14.0
Seattle, WA	2,465,561	2,092,963	-372,598	-15.1
Winston Salem, NC	1,859,529	1,413,594	-445,935	-24.0

Source: U.S. Office of Education

Price Index. Because 1970 census data are used together with current AFDC data, there is a gap in the count. Also counted are children institutionalized because of neglect or delinquency, handicapped children, and migratory children.

The payment rate is set at 40 percent of a state's average per pupil expenditure, the expenditure factor not to be less than 80 percent nor more than 120 percent of the national average per pupil expenditure. Each county is guaranteed no less than 85 percent of its previous year's allocation.

The Orshansky poverty index represents a method of determining low-income levels below which families are considered poor. The poverty levels are varied by: size of family, farm or non-farm residence, and whether head of household is over or under 65 years of age. Weaknesses in the use of this index are twofold: (1) the validity of the actual poverty income figures as measures of poverty; and (2) the lack of updated population statistics corresponding to the poverty levels.

The question of validity of the Orshansky index as a determinant of poverty in the U.S. is a problem characteristic of various poverty measures used by the Federal Government. There is no one poverty measure which meets all the criteria necessary for a valid index. Indeed, the selection of criteria is a public policy, judgmental or value-laden decision. For example, despite the farm/non-farm variation, the Orshansky poverty levels do not take into account differences in the cost-of-living in various parts of the U.S. Nor are they varied by rural/urban or suburban/central city residence. As a result, a non-farm person living in a rural area is counted the same as a person living in a central city. As the U.S. farm population has been decreasing, the farm/

non-farm variation is merely a token distinction relative to the actual number of poverty persons affected by cost-of-living differences.

In addition, the actual dollar values are based on food alone, and do not take into account other necessities such as shelter, transportation, medical services, and clothing. This is an essentially critical point for city dwellers who experience exceptionally high costs. Thus, it can be concluded that when used to determine minimum income needs of the poverty population, Orshansky understates poverty conditions in high cost-of-living areas.

A major difficulty in using the Orshansky census count lies in the absence of updated population statistics corresponding to its poverty levels. Although the poverty levels are updated annually according to the rise in the Consumer Price Index, the population counts by state and county are available only from each decennial census. The recent mid-decade census legislation does not take effect until 1985. Furthermore, the annual Current Population Surveys give only population figures for the U.S. and its regions in the following categories: farm/non-farm, metropolitan/non-metropolitan and inside central cities/outside central cities. Such estimates are not made at the county level, which is a key factor for the Title I formula.

It is important to note that the Census Bureau has reported that the 1970 census missed counting an approximately 5.3 million persons in the U.S., most of whom are believed to be poor minorities in the large cities. In addition, a recent HEW report entitled "The Measure of Poverty," indicates that two estimates were made in 1973 of the number of school-age children in poverty--

by the Census Bureau and by the Economic Analysis Division. Applying their estimates to the Title I formula showed a shift in distribution in favor of the large industrial States, due to an increase in the poverty population in these States during the period 1969-73. The report stated,

> This change undoubtedly reflects the fact that the slow economic growth experienced in the United States between 1969 and 1973 had a much greater negative impact on the large industrial states than it had on the smaller ones. As a result, relatively more of the Nation's poor children in 1973 were located in the large industrial states than was the case in 1969. There is no logical basis for retaining the 1970 census count of children in poverty in the allocation formula. (emphasis added)

The results of the more recent Bureau of the Census "Survey of Income and Education" (updated estimates of poor children in 1975) further substantiate the poverty population shift into the urban States of the Northeast and North Central regions of the country.

Indeed, specialists in HEW have noted that counts of families on AFDC have two distinct advantages over the Orshansky-based counts: (1) They are provided county-by-county on an annual basis; and (2) They incorporate geographic/cost-of-living differences in the eligibility standards set by each state. Unfortunately, the eligibility standards vary so greatly that a distribution of Title I funds based on AFDC alone would be too far unbalanced. On the other hand, the current formula takes the extreme opposite position and diminishes the emphasis on the AFDC counts. The formula includes two-thirds of these children whose families receive payments in excess of the poverty level for a non-farm family of four as updated annually by the Consumer Price Index. In 1969, this figure was $3,750, but for FY 1978 it was $5,500 and is projected to be over $5,800 for FY 1979. In most States, the AFDC payment rates have not increased commensurately with the rises in the Consumer Price Index. Thus, the relative count of children from this category for the Title I formula is decreasing. As the proportionate weight of this factor in the formula decreases, the relative participation in most large industrial States decreases, although the amount of decrease is cushioned by the 85 percent hold harmless provision. Within States where the formula is applied to school districts, the aid shifts from urban school districts to central and rural school districts.

Another element in the current formula is a limitation of 120 percent on state per pupil expenditures above the national average and a floor of 80 percent of the national per pupil expenditure for States below the national average. The 120 percent ceiling serves to reduce the allocations to some States and penalizes those States which have made a greater contribution in their spending for elementary and secondary education. The 80-120 mechanism redistributes the funds which would otherwise go to the high expenditure States to the below national average expenditure States, on the premise that high per pupil expenditures necessarily connote "wealth." Traditional thinking on Federal redistribution policy has served to support this argument. Unfortunately, however, it perpetuates the phenomenon whereby those States spending less than the national average per pupil expenditure still receive more per student than they are actually contributing (state and local effort combined). States such as New York with their own compensatory education programs, which result in higher per pupil expenditures than the national average, are not rewarded for increased effort.

One other aspect to the present Title I program which has caused a reduction of funds to jurisdictions with large concentrations of low-income children is the phase out in FY 1975 of Part C. In FY 1974, $50 million was allocated under this part, and in FY 1975, $38 million was allocated. This part authorized grants to those local education agencies with a concentration of Title I eligibles equal to 20 percent of the school-age population, or at least 5,000 eligibles who constitute 5 percent or more of the total enrollment. The program was eliminated and funds consolidated under Part A because of reported computational complexities, difficulties in data collection processes, and high administrative costs. However, where one of the goals of Title I is to serve areas with concentrations of low-income children, and where the consolidation has caused a dispersion of funds away from these areas, policy and practice would appear incongruous.

Finally, the new method in Title I used for obtaining counts of migrant children has resulted in increased counts of children. In the case of one state, in a three-year period the dollar increase for the program exceeds 2,000 percent. In FY 1977, the count of children formerly eligible, but whose families have stopped migrating and are eligible for five additional years, represent approximately 29 percent of the total count of migrant children receiving payment. Nationally, the amount of funds for this program has increased over 67 percent from FY 1974 to FY 1977. During this same period, its percentage share of Part A has increased from 4.7 percent to 6.5 percent. This has resulted in less funds for the local education agency portion of Part A.

2. Intrastate Distribution

Current defects in operating principles of intrastate distribution of funds must be corrected to eliminate disequalization.

Principles behind the allocation process purport to ensure that districts with the most need receive the most funds, and that the most needy students in each district receive services. Thus, only pupils in target area schools in which concentration of poverty pupils exceeds the district average, pupils whose educational need is greater than district criteria, and who attend eligible schools are eligible for services. The allocation process bypasses the state and attempts to allocate directly to a local education agency.

As a result, some schools must demonstrate substantial concentrations of poverty youngsters before receiving funds, while a considerably smaller number is required of other districts under present procedures. At this time in New York State, the floor on districtwide averages varies from school district to school district from a low of 2 percent in some rural and suburban districts to a high in excess of 44 percent in some urban districts. This means that many disadvantaged pupils in urban areas are denied services because they attend a school building which falls below the districtwide average. On the other hand, these same pupils would be eligible for services if they were located in a low poverty district.

Although target formulas are intended to ensure that the most needy receive services, they do not provide that within a state pupils who are similarly situated according to poverty status or educational need will receive service. The current procedure of bypassing the state to the county level does not allow equalization within a state.

3. Formula Recommendations

a. The current formula allocates funds to the county level, with sub-county allocations carried out by state education agencies under USOE approval. The allocation should be shifted to the state level, with the use of annually updated state-by-state poverty population estimates. Such yearly updated estimates would allow for smooth transition between mid-decade census counts which begin in 1985.

b. State education agencies would allocate the funds within the state on the basis of a formula designed to carry out Congressional intent and approval by the U. S. Commissioner of Education. States should have the option of concentrating the funds where needed, and using an allocation method which best fits each state's unique problems.

c. School building allocations should include a concentration factor to assure that sufficient funds are provided to achieve significant educational results. Provisions should be made for differences in the cost of services in various geographical areas (particularly urban). For example, the concentration factor could be expressed as a percent of the direct instructional cost per pupil.

d. The present 120 percent limitation on state per pupil expenditure should be eliminated.

e. The 40 percent payment rate should be dropped to 30 or 20 percent to bring more equity between the amounts of money used for migrant children and the amounts used for children with similar needs in local school districts. However, other alternatives to the migrant education program might also be explored, such as use of a uniform determination system among States.

f. Where state programs are similar to Title I, the Federal Government should allow the programs to compliment each other without major audit problems.

g. Current Federal poverty measures are deficient. Congress must encourage and direct a combination of Federal agencies to develop workable criteria and data acquisition techniques to provide more equitable treatment of poor families in densely populated jurisdictions. Such methods should include standards of need for non-food expenses and market basket determinations, taking into account geographic variations in the cost of living. Data collection techniques should allow for annual updating with changing prices and population patterns.

Since the mid-decade census legislation does not take effect until 1985, alternative counts of children either eligible or participating should be explored for short-run use in the Title I formula.

h. The present formula for Title I allocation does not assure that students equal in poverty status and educational need will receive services, because the allocation standard is the level of concentration of target pupils in a particular local education agency. Present standards may result in insufficient funds for all schools in a district and in discrimination against urban areas. Extra weights should be assigned in the county and subcounty allocation formulas to account for the heavier concentration of target pupils in some local education agencies and increases in Title I funding should be directed toward these local education agencies.

B. Difficulties on the Operational Level

1. The Prevalent ESEA, Title I, Project Model

For a variety of reasons, local districts use the supplementary, remedial "pull-out" model in using Title I funds. In this model, the students receive a "base" program in a given subject (e.g., reading or mathematics) from the regular classroom teacher. In addition, these students leave the regular classroom for remedial instruction. This means that the educationally disadvantaged students receive two periods of instruction in that subject area. The remedial instruction is provided by the Title I remedial teacher or specialist with possible assistance from paraprofessionals.

The reason this model is generally used stems from the Title I legislation which states:

a. That financial assistance is to be provided for programs or projects which contribute particularly to "meeting the special educational needs of educationally deprived children." The students most in need must benefit and not other students.

b. That the ESEA Title I resources are to be used for the "excess costs of programs and projects which are designed to meet the special educational needs of educationally deprived children." The funds must be traceable directly to only the selected students.

c. That "Federal funds made available will be used ... as to supplement ... non-Federal resources for the education of pupils in programs or projects ...." This has led to Federal requirements that comparability be established among buildings before using Title I funds and to an interpretation of "supplementing" within a target school. Thus, supplementing within a school building means that a "base" program must be provided to all students in a subject area and then a special period for "supplementary" instruction is added.

These three requirements have resulted in the "pull-out" model because auditors and monitors can easily determine that the intent of the law is being followed.

The implementation of this model has the following unintended consequences:

a. The educationally disadvantaged students lose the instructional services of the locally funded teacher for that period of time when they are receiving the Title I services.

b. These students usually miss one of two things that the non-Title I students receive during that "supplementary" period. They may miss instruction in subjects such as art and music. Second, they may miss enrichment activities with their regular teacher in the subject in which they receive the supplementary service.

c. The non-Title I students who do not attend the supplementary sessions have the benefit of having a reduced class size taught by their regular classroom teacher during that time.

d. Because "supplemental" requires that the "base" program be offered in addition to the supplementary period, it is not possible to reduce class size with Federal resources during that "base period" which might be a more cost-effective and a more educationally sound approach than waiting for a "supplemental" period.

e. Because different personnel instruct during the "supplementary" period, there is a problem of curriculum and instructional coordination between the regular classroom teacher and the Title I teacher. Often the curriculum for the programs is not adequately coordinated because of pressures of time and because instructional materials used often differ.

During the 1974-76 school year, the New York State Education Department conducted a sample study of compensatory reading programs in five school districts. One objective of the study was to determine how the level of achievement of participants in compensatory programs compared to eligible non-participants. Consideration of the findings of this study shed some light on yet another major problem associated with the prevailing "pull-out" model.

In this study, all students in grades four and five in the school district were administered pre- and post-tests of reading achievement in November and May respectively. In the analysis of the data, a matched-pairs design was used where program participants were matched with non-participants according to sex, pre-test score and amount of class variance on pre-test. Results indicated that the group of non-participants had slightly higher post-test mean scores than did the group of students participating in supplementary programs.

These results would seem to contain an implicit challenge to the effectiveness of the compensatory education programs involved. However, that challenge is based in part on an erroneous assumption characteristic of some of the literature.

The assumption is that students who do not receive the benefits of compensatory programs are simply receiving the ordinary, traditional course of study and that, therefore, they comprise a reasonable comparison group. It is generally true that non-participants are left behind in the regular classroom, while participants leave (i.e., are "pulled out") for the compensatory program. Information collected in the course of the study suggests that, with program participants out of the classroom, those students left behind are not receiving the ordinary course of study. In fact, the non-participants who remain in the regular classroom are receiving special treatment to the extent that the departure of program participants results in: (1) a reduced class size for those remaining, (2) the removal of students is often difficult for the teacher to manage while teaching reading or another subject, and (3) any other incidental changes in the nature of the class which have a positive impact on the learning environment. In addition, a feeling of superiority may be generated among those who are not singled out for remediation. In summary, when some students in a class are pulled out for participation in a compensatory reading program and others are not, the non-particiaants remaining in the classroom may receive superior educational treatment in a more favorable environment. The irony is that the prevailing model, used largely because of the ease of which compliance with Federal law can be demonstrated, may be of greater benefit to students other than those who the compensatory programs are intended to help.

Additional difficulties with the pull-out model occur because local districts must try to coordinate the project offered with Title I funds with other categorical programs such as ESEA, Title VII, or ESAA. Since children deficient in one area are frequently deficient in others, multiple supplemental programs focus on the same disadvantaged students. Target students are not only "pulled out", they may be pulled in several directions by multiple programs. Student disorientation and excessive loss of class time result. In many cases, coordination problems caused by "pull out" and multiple programs may result in "supplanting" rather than a supplementing of the regular program. In one sense, it is impossible to avoid "supplanting" of the regular basic educational program unless the project is offered after school, in the summer, or to pre-school children.

The "pull-out" model leads to educational problems even though it does insure that Title I program and projects follow the intent of the law. New York State has examined alternative options to deal with these problems, but the alternatives seem to run in conflict with the current statute. We are concerned with the educational impact of the present approach and believe that the legislation drives project implementation toward unintended and less effective consequences.

2. Local Designs of the ESEA, Title I, Project

The current ESEA, Title I, legislation provides flexibility in regard to who in a local district develops a project proposal. The law does indicate that the various levels of advisory councils be involved in the process, but is not explicit regarding the differential roles of the various levels of councils.

Indications exist that articulation of Title I projects with local programs might be improved if building principals and building Parent Advisory Councils provided greater input to the district proposal which is approved by the school board. Provision for greater contributions from principals in the design of their respective building projects could better integrate a given project with the respective school instructional program and more effectively accommodate differences in the principal's operating style, needs for instructional materials, and type of staff needs.

3. Selection of Title I Students

The present legislation requires that "objective" criteria be used in selecting those students with the greatest need for projects. To meet the intent of the law and to protect against audit "exceptions" all New York State districts use standardized tests for selecting project participants. They also select only those students who are below the national norm for that grade.

The use of these ground rules has resulted in the following consequences:

a. Since there is a problem of availability of standardized tests for use in kindergarten and first grade, districts have generally been reluctant to serve students in those grades because there is no "objective" method of selecting students most in need. Some school personnel believe this is not sensible on the grounds that teachers can determine which students are most in need. They also believe that starting programs in the earliest grades is most important because a sound start is better than remediation.

b. Local school personnel also express concern with the criteria of "below norm" because of the imprecision of the tests used. Guessing by an individual student on the test can result in that student being excluded from a program when teachers know that the individual has a different level of need.

4. Desegregation

In those instances of voluntary, mandatory or court-ordered desegregation of school districts, selected Title I regulations have a "chilling effect" on achieving an agreeable plan. Regulations on target areas, target schools, attendance areas and residence of children have a deleterious influence on "follow the child" concepts. They tend to deny services for the child and restrict planning options to effect desegregation. Of current practices proposed to solve the dilemma of desegregation, only the "campus plan" is immune from problems caused by Federal Title I regulations. Myriad other plans and combinations, including magnet schools, open and optional enrollment, paired schools, busing, and others, are wrought with problems caused by Title I legislation.

All Title I regulations affecting the delivery of services to Title I children eligible for services the year prior to the implementation of an approved desegregation plan should be waived for a period of three consecutive years.

5. Operational Recommendations

a. Considering the range of difficulties accompanying the prevailing "pull-out model," the statute should provide flexibility to the States and local education agencies to assure Title I resources are used to supplement state and local funds in services integral to and least disruptive of the regular school program.

b. The statute should allow the States responsibility for determining whether the building principal and Parent Advisory Council should have a specified expanded role in project design.

c. In the light of continuing difficulties in selecting those children, especially in kindergarten and first grade, who would benefit most from program participation, provision should be made for greater flexibility on the part of local school personnel in identifying and selecting participants.

d. Considering the impact of unintended consequences accompanying the implementation of the "pull-out" model, consideration should be given to allowing Title I funds to be used to support the entire school building instructional program under an appropriate plan when the number of potential participants in categorical programs in that building exceeds the percentage of such children for the state and for other buildings in the district.

e. Provisions should be included in Title I to allow, in mandated desegregation situations, Title I services to "follow the child" for at least one year. Thereafter, the non-Title I school involved should be eligible for ESAA funds for a determined period of time. There should be some coordination between Title I and ESAA in this regard (See III. Emergency School Assistance Act).

C. Evaluation of ESEA, Title I, Effectiveness

Another important group of Title I issues focuses on evaluation. These issues include the criteria for success, representativeness of samples, appropriateness of tests, methodological problems with analysis and interpretation of test results, and definition of the Federal role in evaluation. The net result of evaluation difficulties is the lack of a clear consensus regarding effectiveness of Title I.

Current evaluation requirements regarding testing can hinder program effectiveness. Mandatory pre- and post-testing locks students into a full year program and precludes assistance to students who need short-term help. Few appropriate tests exist for bilingual students, and math tests dependent upon certain reading skills are inappropriate measures of math achievement. There is a need for longitudinal studies and for follow-up, since annual evaluation alone cannot determine effectiveness without considering long-term growth. In addition, more appropriate tests are required.

Public Law 93-380, which amended ESEA to require the U.S. Office of Education evaluation models for Title I, was, in part, a response to lack of compliance at the state and local levels and to legislative and regulatory ambiguities. With the completion of the first decade of ESEA, a more effective Federal/state/local partnership has been established for accomplishing national goals. Clarification in legislation and in operating rules set forth by USOE have produced a higher degree of understanding of goals of ESEA. Although further clarification may be advisable, compliance with fund allocation regulations has largely been achieved. A general upgrading of administrative practices has been accomplished at all levels, while USOE leadership and state-local experience has improved the technical capacities of professional staff in dealing with grants management and program involvement. In light of these changes, the role of the U.S. Office of Education should shift from that of "control" to work with States in promoting greater state leadership and responsibility in providing States more flexibility in administrative practice. Where States have extensive compensatory education programs, such as New York's Chapter 241 and Title I funds, they should combine these with Federal efforts--retaining the principle of each--to present integrated programs of compensatory education.

There is a basic tension between two purposes of Title I evaluation. Is it a tool for improving local program design and performance or a tool for providing the Federal Government with information on Title I effectiveness? The Federal evaluation systems designed to date cannot provide the type of information the Federal Government desires. Federal emphasis should be placed on building technical competence in state education agency and local education agency evaluation capacities regarding their own programs, and to developing local and state evaluation studies to be used in policymaking. (See II-C, ESEA, Title IV, our proposal for a SEA/LEA Management Capacity Building Program.)

Effective enforcement of regulations should be based on comprehensive and detailed SEA examination of an LEA's annual program plan and examination of the district's evaluation procedure in the field. The SEA would maintain contract compliance by written reports, formal and informal visits, and on-site visits.

Meaningful evaluation requires a clear statement of goals and eligibility criteria, support and accountability for national local project management and research efforts to raise the level of causal knowledge about educational outcomes.

Present Federal legislation and regulations should be further simplified and clarified. Federal guidelines should broadly address important issues of program goals, project management, and comparability, without getting into details of project activities.

In the field of research and development, the low knowledge base relating means to ends in compensatory education is a continuing area of concern. The lack of valid measures of student achievement raises questions about program effectiveness in terms of remediation. Standardized, norm-referenced tests are inadequate for research and program evaluation. Since both research and systematic learning are hampered by the lack of appropriate measurement, New York State supports Federal funding for SEA development of criterion-referenced measures of educational achievement, as well as development of systems for collecting, analyzing, and reporting data based on such measures. Better measurements will make possible research into the relationship between project activities and student outcomes. We recommend Federal support of basic SEA and other public agency research into the relative effectiveness of alternative educational approaches in raising student achievement. Renewable grants for program-related research should be made available.

State agencies should receive Federal assistance to support research and development of improved management systems at both project and program levels. This is crucial since the development of better measures, systems for managing data, and improved educational practices will be meaningless unless implemented in the districts. (See II-C, ESEA, Title IV proposal.)

Taken together, these recommendations are directed toward more systematic and integrated programs and more informative public reports on compensatory education.

D. Expansion of the State Role

As ESEA, Title I, is reviewed related to renewal in 1978, it is appropriate to re-examine the respective roles of the state and Federal governments in this program. The Federal role in Title I has been the identification of a major educational problem to which the States and local education agencies had not responded adequately. In providing funds and directions on the problem, Federal action has shaped local and state action. Much of the change has been positive.

1. State Administrative Funds

As the Title I program has developed over the past years, the role of the state education agency has conceptually been that of a "silent partner." As the Federal Government has sought to seek tighter control and guidance of Title I funds and programs, it has led to an increasing and natural reliance on state education agencies as more properly that of a "general partner" in the enterprise of providing effective educational services to disadvantaged children.

State administrative responsibilities have increased over the years, but the Title I state administration set aside has remained at 1 percent. State Title I administrators have been called upon to enforce more and more regulations, implement new and more-detailed Title I evaluation requirements, monitor districts for comparability determinations, enforce additional parent advisory council participation in Title I programs, provide technical assistance and leadership to support demands on LEAs, and to respond to an ever-increasing demand for Title I data and information in response to Federally mandated studies of Title I.

In addition, low-rent housing funds provided under the Impact Aid program are earmarked for use for ESEA I purposes only. Unlike the remaining portion of the Impact Aid program (with the exception of the handicapped), which can be used by LEAs for general educational purposes, low-rent housing funds can be used by the LEA only upon approval of an application to the SEA. No administrative funds are provided to SEAs for this purpose.

2. Indirect Costs

There appears to be a problem developing not only in ESEA I but also in both elementary and secondary and postsecondary programs concerning a substantial amount of indirect, or overhead, costs which state and local agencies and institutions have heretofore been absorbing in the administration of Federal programs. Such costs are necessary to the efficient administration of programs and yet are not covered in Federal funds available for administration as are direct costs. Indirect costs are incurred for the joint or common benefit of a grant or contract and other activities carried on by the state or locality, for example, the operation and maintenance of buildings or a payroll unit.

Federal Management Circular 74-4 (formerly OMB Circular A-87) makes it possible for agencies and institutions to draw down on the Federal funds received for administration the amount necessary to cover indirect costs. With increasing fiscal pressures, a number of agencies will be forced to begin taking this option.

Indirect costs are normally charged to Federal awards via an indirect cost rate. The rate is simply the percentage relationship of indirect costs to direct costs, such as salaries and fringe benefits. In the New York State Education Department, indirect costs represent approximately 36 percent of the amount necessary to maintain a permanent employee on a regular basis. Deducting the indirect costs from the Federal funds available to the State Education Department for administration would mean, for example, a reduction in such FY 1978 funds of 22 percent in ESEA I, 32 percent in ESEA IV, and 20 percent in the adult education program.

Local districts are affected as well. For example, under the provisions of Section 403, Title IV of the Civil Rights Act of 1964 and of ESAA, funds to cover indirect costs are not provided. Complaints have also occurred among the State's regional centers (BOCES) which are recipients of ESEA, IV-C, funds, that they are not permitted to charge indirect costs on Federal grants. As a result, they must absorb from 3 to 6½ percent of local funding for carrying out Federal programs.

State and local agencies and institutions should not have to continue to absorb such costs, particularly in light of what appears to be increasing Congressional fervor for State-Federal and local-Federal matching requirements on administrative funds.

3. Recommendations for State Administration

a. States having compensatory education programs supported by state funds (of which there are 15 States) should be allowed discretionary authority to unify the administration of state and Federal compensatory education programs. The Secretary of HEW should be allowed to make demonstration grants to SEAs for the joint operation and coordination of Title I and state compensatory education program practices which have proven merit in delivering services to eligible pupils.

b. In recognition of increased responsibilities placed on the States, we strongly recommend that the provisions for state administration be changed to a sum not less than 1.5 percent of the state's basic grant or $300,000, whichever is greater. With these funds, state education agencies will be in a position to fulfill their partnership role in meeting the needs of disadvantaged children.

4. State Assurances

The past decade has witnessed general upgrading of administration at all levels, broader understanding of ESEA goals, and achievement of a high degree of compliance with fund allocation requirements. The greater capacity of the States in the Federal/state/local partnership suggests the timeliness of a readjustment of the state and Federal role in this program. An expansion of the state role in planning, regulating, and evaluating programs funded through ESEA, Title I, is indicated. States possessing the skills and capabilities to assure the expenditure of Title I funds in accordance with the intent of the law should be enabled to do so without the hinderance of detailed Federal prescriptions.

ESEA, Title I, legislation should be modified to allow SEAs the option of administering Title I as a program based on a single state application of assurances with a plan housed in the SEA which serves its own management purposes, but which would be reviewed by a USOE field team. The plan could be a comprehensive five-year plan with annual updates based upon modifying circumstances within the state, such as demographic changes and annual evaluation of the compensatory education program.

The same concept would be substituted for the current annual project application from LEAs. The LEA would submit appropriate assurances and have a plan on file in the district which would be reviewed by SEA staff. A procedure of this nature would enhance the longitudinal instructional, curriculum, evaluation, development capabilities of LEAs and improvement of instructional experiences of children.

5. Recommendations on State and Federal Responsibilities

The following specific recommendations are made on the respective state and Federal responsibilities in carrying out Title I.

States' Responsibilities: The Regents recommend that the responsibility of States be expanded so as to enable each state:

a. To distribute ESEA, Title I, funds within the state in accordance with state agreement which assures the Federal intent is attained while coordinating Title I programs and projects with state compensatory education programs, as well as basic educational programs. Appropriate economic or educational indexes would be established by each state for the distribution of ESEA, Title I, funds. State responsibility would include a statewide assessment of needs, planning, administration, and evaluation of programs.

b. To specify what models of local educational programs or projects are consistent with the intent of Title I. Specific models should be developed by state education agencies in consultation with local education agencies.

c. To conduct evaluations of local educational projects. These evaluations should be used to determine the overall impact of ESEA, Title I, funds on students; to conduct state education agency policy analysis studies to improve effectiveness of local projects; and, to aid Congress and the President in determining the effectiveness of ESEA, Title I.

d. To secure the following assurances from local education agencies in place of present review and approval processes:

(1) Use of money for projects which meet the characteristics that the state specifies as being acceptable;

(2) Maintenance of separate accounts for the Title I funds;

(3) Agreement to cooperate with state sample evaluations which will be unannounced;

(4) Maintenance of a plan in their district that can be reviewed by state or Federal personnel; and

(5) Implementation of an evaluation system for their own instructional management purposes which evaluates their total educational program including Title I projects.

e. To provide technical assistance to local education agencies and conduct statewide sample evaluations. This requirement is imposed to foster an open relationship between local education agency personnel and the technical assistance staff.

f. To provide for the dissemination of promising Title I practices. We suggest that there should be a specific set-aside of funds for Title I program improvement. The idea would be for the state education agencies to have earmarked funds to conduct or support dissemination/demonstration type projects at the local, state and regional level which have been identified as programs worthy of the attention of other districts as a model for better Title I practice and methodology. This type of program would enable the state education agency to exert greater leadership and service to LEAs and also disseminate information about successful Title I programs.

The set-aside would be modeled after the Commissioner's discretionary grants, and would focus on practical approaches to program improvement and staff development strategies and would be supportive of other research-related efforts to improve Title I.

g. To request approval from USOE for waiver of certain specific restrictions imposed by Federal regulations. In certain situations, because of differences among States, Federal regulations prevent administrative procedures which would ultimately result in more effective delivery of services to children. Authorization for the U. S. Commissioner to grant regulatory waiver should allow for a flexible timeframe. States would be required to report annually on the continuing effect of the waiver and the necessity for its continuation or termination.

h. To assure the joint administration and coordination of Federal funds with state-funded compensatory education programs, and to assure that the use of such Federal funds do not hinder state finance equalization plans. There are about 15 States with their own compensatory education programs which should be allowed discretionary authority to allow the joint operation at both the state and local levels all aspects of Federal and state compensatory education program practices which have proven merit in delivering services to eligible pupils.

i. To develop model parent education programs in conjunction with Title I programs, and to describe the role and function of parent advisory councils within the state.

j. To set aside a percentage of the state grant to achieve special and unexpected program activities and studies in compensatory education of state and national significance. An example might be a Title I program to follow a child who has been moved to a non-Title I school because of mandatory desegregation. Coordination with ESAA funds in this regard should be allowed.

Federal Responsibilities: The Regents recommend that the Federal responsibilities be the following:

a. To distribute funds to States according to a revised formula which incorporates the factors discussed in this document;

b. To review and approve the characteristics and guidelines which the States develop. Approval must be based on an assessment of whether a state has suggested reasonable education approaches for projects which serve the objectives of the program, while supplementing state and local funds in services integral to the regular school program;

c. To monitor and audit state and local operations and plans. The criteria to be used should be prespecified and available to all parties;

d. To review and make recommendations on evaluation methodologies and measurement devices used by States and local education agencies; and

e. To conduct sample evaluations for reporting to Congress and the President.

E. Parent Involvement

1. Parent Education Program

There is widespread concern that after 12 years of effort in Title I and other similar programs, large numbers of children continue to perform at unacceptably low levels. There is, however, a growing number of parents and educators who suggest that pupil performance in school may be influenced in a positive way by the involvement of parents with their children in the school experience. Where parents understand the developmental needs of the child, value education, are helpful and supportive of the work done in school, and participate actively in the education of their children, a positive impact may occur in a number of areas, including attitudinal changes, achievement gains, a sustaining of such gains over a greater period of time, and a decrease in drop-out rate.

Such an effort may occur in compensatory education programs, such as ESEA I, if more effort were directed to strengthening the capacity of parents to help their children and to increasing their supportive role in the child's school experience. The desirability of a stronger school-child-parent partnership is enhanced in recognizing the contributions parents may offer to the process, such as in the promotion of values, learning incentives, and reinforcement. Schools, at the same time, may be helpful in imparting to the parents child development awareness and skills desirable in raising their children, but which are so often ignored or lost in the shift of generations.

To encourage this partnership, it is proposed that there be a Federal program to support parent education as an integral part of Title I, or perhaps in collaboration with the Adult Education Act. In the first years, the Congress should authorize a set aside within Title I for state education agencies, who will make grants to eligible applicants in the development of needed programs. A validation-diffusion system might later be appropriate in which SEAs would carry out the sequence of validation, demonstration, and diffusion of promising programs. Such an effort would have both State and national significance.

School districts would be eligible applicants, with cooperative arrangements with community agencies, colleges, and universities where desirable. A contributing factor to the timeliness of this proposal is that, due to declining enrollments, many schools now have resources, staff, and space to devote to parent education programs.

Another important consideration is the involvement of the parents in the development of the programs. Most parents, including those with limited education, know the problems they face in raising their children; they have successfully coped with some of these problems, and they have ideas about what is required to help their own children. Where one parent has failed to find a satisfactory solution, another parent, in similar circumstances, may have found a solution. Effective parent programs promote the sharing of such experiences. As a group of parents works together on the needs of their children, they identify problems on which expert help may be required. It is at that point that education in the formal sense may have the greatest impact. Parents should, therefore, have a significant role in the design of programs and their operation.

The issue of alienation from the schools is also a valid one. For large numbers of parents, the problem of participation is not disinterest in their children, but it is the feeling that the school did not really serve their needs and, therefore, does not serve the needs of their children. An effort must be made to show they can have an impact on the school, and that the school welcomes them as partners. For other parents, the problem is one of lack of time and/or money. Working parents usually cannot afford to take time off from work, and parents on welfare may have no place to leave their preschool children. Ultimately, some coordination with CETA and welfare programs is necessary. Such possibilities might include part-time jobs for Title I parents who participate in a parent program. The parent education program should develop strong links with other service agencies in the community with which parents are and can become involved.

Finally, parent advisory councils (PACs) should be integrally related to the parent education program. PACs could be involved in planning programs of parent training such as how to identify learning problems, how to help children with their homework, how to talk with children, good discipline, and other topics.

2. Parent Advisory Councils

PACs are one of the most contributory elements of Title I legislation to the quality of the compensatory education program. The major problem is that they lack the program and financial assistance to provide parents with the skills, knowledge, and experiences to make their inputs most effective and efficient for the educational benefit of the children and the school system. This can, hopefully, be remedied through a parent education program.

Other problems include the following:

--Current Title I PAC regulations discourage inputs from other segments of the community, i.e., business, industry, fraternal and social organizations, which are in a position to provide satellite and related services to the eligible children and youth.

--The proliferation and differences of statutory language in various Federally aided programs, each separate and self contained, has established parent groups working in competition with one another, as well as competing with other parent groups existing in a locally determined ad hoc advisory role.

--In many instances, the diverse groups are competing for the same resources of time, money, services, and personnel, and the same children, e.g., the handicapped, non-English speaking.

Recommendation: There should be consideration given to requiring a single local advisory committee on Federally aided programs. Such a committee could be organized into subcommittees for specific areas such as compensatory education, vocational education, handicapped, etc. In addition, in cases where there are small numbers of Title I teachers and pupils, the school building PACs may be consolidated into a district-wide PAC with representation from each Title I school.

F. Economic vs. Educational Achievement Data in the Allocation of Title I Funds

Generally, ESEA was intended to assist the Nation in the achievement of "The Great Society." A second intent of the Act was really a corollary of the first; that is, "With the equalization of educational opportunity, reductions in educational deprivation will tend to reduce or eliminate poverty." There is a belief that children who suffer from economic deprivation are also educationally deprived. This generalization has credence when applied to urban and urban fringe school districts, but its significance is diluted in rural and many suburban school districts. A study in one state (Pennsylvania) showed that the correlation of poverty and educational disadvantagement of Title I project participants in urban school districts was .93, whereas the correlation in rural districts was .22. Fund allocations in Title I of the Act have been based on measures of poverty for this reason, and because poverty data are the most readily available.

There has been some controversy over the past few years over the effect of using academic achievement data as the basis for allocating Title I funds nationally. New York State would strongly oppose the use of such data as the sole criteria in a Federal allocation formula for Title I for a number of reasons.

As recently reported by the Education Commission of the States through the National Assessment for Educational Progress, project data are on the basis of four national regions. Generally, educational achievement data of pupils in the Northeastern States and Western States parallel the national as a whole. Comparatively, children in Southeast States fall about four percentage points below the national average, whereas children in Central States fall about three percentage points above the average. In reference to secondary age children, Northeast States data exceed the national level by two points. This indicates that if the distribution of funds were based on low achievement scores, there would be a shift of funds in favor of the South and Southeast.

A recent study by William Greenbaum and Associates at Harvard University under contract with the Carnegie Corporation states that the National Assessment for Educational Progress has "failed to obtain meaningful data on the strengths and weaknesses of American education." To stipulate the use of such data would result in unreliable and invalid conclusions and decisions effecting the distribution of Federal aid.

In addition, the total number of ESEA, Title I, eligibles would increase if national achievement data were used instead of economic data, while the Title I program continues to be underfunded for the current number of eligibles. The reason is that even though children in low socio-economic urban and urban fringe school districts tend to score ten points below the national average in the National Assessment, underachievers prevail in significant numbers in suburban and rural school districts as well. In New York State, for example, current Title I poverty eligibles amount to approximately 728,570, or 22 percent of the total public elementary and secondary enrollment in the State. By contrast, the total number of eligibles based on low achievement (percent of enrollment below minimum competence in reading at the 6th grade level) might be approximately 1,046,991, or 31 percent of the total state enrollment in public elementary and secondary schools. The reason for this increase is that there are more children who are underachievers than there are children in poverty as defined by the present Title I formula.

If funds were allocated using achievement data with the present level of funding, there would be a significant shift away from urban areas in favor of the suburban areas. This is illustrated in a study we carried out in several selected urban counties in upstate New York. Onondaga (Syracuse), Monroe (Rochester), and Albany counties were analyzed with respect to the flow of Title I funds if educational achievement data were used. The total dollar amount was held constant at the most recent Title I allotment amount. Two distributions were carried out among the school districts--one based on ESEA I poverty eligibles, and the other on our NYS PEP[1] eligibles (percent of enrollment below minimum competence in reading at 6th grade). In all three counties, there was a shift of funds out of the major urban school districts into the suburban districts. The following tables illustrate the methodology used and results obtained in Albany County.

[1] Pupil Evaluation Program

TABLE II
DISTRIBUTION OF ALBANY COUNTY ENROLLMENTS
SHOWING PERCENT OF THE ENROLLMENT
BELOW MINIMUM COMPETENCY LEVELS IN SIXTH GRADE READING
AS OF FALL 1975*

(1)	(2)	(3)	(4)	(5)
			Eligible Students	
Albany County LEA	LEA Enrollment (Fall 1975)	% Enroll. Below Min. Competency (Fall 1975)	PEP Eligibles (Col. 2X3)	ESEA I Poverty Eligibles
Albany	10,335	40	4,134	4,187
Berne Knox	1,479	26	385	96
Bethlehem	4,400	11	484	220
Cohoes	2,737	34	931	436
Green Island	461	33	152	43
Guilderland	5,579	15	837	174
Maplewood	182	20	36	10
N. Colonie	6,196	13	805	447
Ravena Coeymans	3,093	21	650	129
S. Colonie	8,307	17	1,412	298
Voorheesville	1,943	14	272	63
Watervliet	1,472	32	471	243
TOTAL	46,184	22*	10,569	6,346

*Menands 15 percent not included

TABLE III
A COMPARISON OF ESEA, TITLE I, GRANTS FOR FY 1977-78 WITH THOSE BASED ON LOW EDUCATIONAL ACHIEVEMENT DATA OF FALL 1975 HOLDING THE COUNTY GRANT CONSTANT

(1) Albany County LEA	(2) Existing ESEA I Grant FY 1977-78	(3) Col. 4 from Table II X Per Pupil Grant of $174.11	(4) Difference Col. 2 Minus Col. 3	(5) % Change Col. 2 to Col. 3
Albany	$1,214,146	$719,770.74	$-494,375.26	-40.7
Berne Knox	27,838	67,032.35	39,194.35	140.7
Bethlehem	63,796	84,269.24	20,473.24	32.0
Cohoes	126,431	162,096.41	35,665.41	28.2
Green Island	12,469	26,464.72	13,995.72	112.2
Guilderland	50,457	145,730.07	95,273.07	188.8
Maplewood	2,900	6,267.96	3,367.96	116.1
N. Colonie	129,621	140,158.55	10,537.55	8.1
Ravena Coeymans	37,407	113,171.50	75,764.50	202.5
S. Colonie	86,414	245,843.32	159,429.32	184.4
Voorheesville	18,269	47,357.92	29,088.92	159.2
Watervliet	70,465	82,005.81	11,540.81	16.3
TOTAL	$1,840,213	$1,840,168.59	-$44.41*	

*Due to rounding

It can be seen from Table III that the City of Albany would lose 40.7 percent of its current Title I allotment if funds were distributed to school districts on the basis of low achievement data. By contrast, "wealthier" school districts would gain funds, such as Guilderland (189 percent), Voorheesville (159 percent), and South Colonie (184 percent). In addition, it is interesting to note that one school district, Menands (not shown), would be eligible to receive funds on the basis of low achievement data. Hence, it can be concluded that with a constant dollar amount, and an increase in eligibles favoring the suburban school districts, urban areas would tend to lose both in absolute dollars and in their percentage share of the funds, if they were allocated solely on the basis of low achievement data.

II. ESEA, TITLE IV

Consolidation of seven categorical programs under Title IV of the Elementary and Secondary Education Act has solved a variety of problems, but has created several others deserving legislative attention in the coming year.

The New York State Education Department's staff has undertaken several policy studies of this Title to assist the New York State Advisory Council in its work. These studies, accomplished while the State was responsible for operating both the previous and the new Title IV programs, together with staff input, yielded a number of recommendations which focus our concerns regarding changes in the legislation and the administration of such programs. Provisions for the New York State Advisory Council should remain intact.

Overall, New York State finds the ESEA, Title IV, consolidation useful. However, the suggestions in the following paragraphs will help to make it a more effective instrument in the local, state, and Federal relationship in education.

A. Part B

The maintenance of effort requirements for Title IV-B, enacted under the Education Amendments of 1976, need to be simplified drastically if they are not to be an undue administrative burden on state and local education agencies. The present requirement that local education agencies provide local expenditure data only for expenditures eligible under Title IV-B does not coincide with school accounting practices. It is, therefore, extremely difficult for local education agencies to provide the required data. Since maintenance of effort is no longer a local but rather a state responsibility, data available in the state education agency from the regular financial report, submitted by the local education agency, should be the basis for the determination of maintenance of effort.

Secondly, present U.S. Office of Education regulations require that funds earned by a local education agency because of the presence of children whose education imposes a higher than average cost, be spent on those children. This regulation is contrary to the intent of Congress to reserve to the local education agencies discretion as to how allocated funds would be expended. To assure this discretion, an amendment to the legislation is needed which will specifically state that the local education agency has the discretion in identifying pupils who will benefit from the allocation under ESEA IV-B.

Moreover, New York State believes that the flexibility given to local education agencies under the current statute is desirable, but that the administrative burden of providing detailed program plans and evaluation reports to secure local allocations is excessive in relation to the funding. While these Federal funds are important to the districts, impact is limited at present appropriation levels. A financial impact study of Part B in New York State has shown that only 15 percent of the sampled districts experienced an increase of 2 percent or greater in expenditures for 1975-76 related to Part B activities. Most districts will receive less than 4 percent through Part B of their total funding for Part B purposes in Fiscal Year 1977. Because the funding level of Part B does not have a large impact, we recommend substantially increased appropriations.

B. Part C

Three hundred forty-five Title IV-C projects are currently operating in New York State. Of these, 180 are developer grants, 37 validation grants, 48 demonstration grants, and 80 replication grants. Five hundred seventy-two mini Title IV-C projects (under $3,000 each) are also operating. We expect 295 more districts to be replicating Title IV-C programs by June 1978.

We refer to our program and the four grant types as "Transferring Success." This is a strategy whereby Title IV-C funds are used in a number of competitive ways.

Of most importance, funds are provided to validate exemplary programs already in operation, for demonstrators who have passed the rigorous test of validation and are now ready to show others how they might successfully adopt the program, and for districts that seek to replicate the program being demonstrated. Our intent is to increase the number of adoptions of these high quality, low-cost programs.

To summarize our accomplishments, we are attempting to use our IV-C funds in such a way that school districts will replace costly and ineffective programs with those IV-C programs which have been verified as effective, of high quality, and cost controlled.

The problems that we have with some of these programs as they are now structured usually can be traced to the restrictions imposed by current Title IV-C legislation and regulations. For example, we have problems in timing and in scheduling districts that are ready to replicate, but must wait up to a year to file under the single application because an annual filing date is required by law.

It is understandable that when Titles IV-C and IV-B were established through the consolidation of a number of other programs, that application forms under those programs were also to be consolidated. But the consolidation of the applications should have stopped at B and C rather than to have combined the two parts. Since B is a formula program and C a competitive one, it is virtually impossible for us to administer each program under this restriction. The experience of the past two years has shown that the single application requirement has not reduced paperwork.

The single filing date poses problems in other ways. There are occasions when we need to have competition for Title IV-C funds several times a year. For example, our Board of Regents most recently launched a "Competency-Based Education" program which generated a considerable amount of interest from the field. We would like to have offered planning grants to districts which were anxious last June to begin planning and operating this past summer. Under the single filing and annual application legislation, we were unable to meet this need.

A further problem has to do with those districts which are ready to adopt a demonstrator's program. For example, a district interested in adopting a program this past June must wait until March 31, 1978 to file an application, and then start six months after that if Title IV-C funds are desired. Obviously, enthusiasm and motivation wanes over this period of time. Given these examples, we ask that a single application be expected only of Title IV, Part C, and that Part B be allowed to have its own. Restrictions on the number of the choice of dates to file should be eliminated for both Parts B and C.

From time to time, project budgets need to be amended, and in some cases supplemented, to accommodate unexpected changes that occur as a result of program implementation. Therefore, we ask that legislation be considered which allows Part C projects to be amended or supplemented as deemed necessary at the administrative office of Title IV, Part C, at the state level.

We are also having difficulty with the directive from the U.S. Office of Education calling for annual competition among all district whether they are applying for a new grant or a continuation grant. It is our feeling that those who already have a developer grant should not have to compete against all others each year of the three-year developer grant period. The current situation places considerable stress upon those districts operating developer grants who must face this insecurity for a number of months each spring while waiting to learn whether or not they may continue another year. Further, most districts need to have at least three years of funding if the program to be developed is to show any benefit to the target population. Therefore, the State ought to have the right to assure the continuation of these grants barring deficiencies detrimental to continued successful operation. The multi-year grant arrangement as allowed does not alleviate this need since districts have extreme difficulty in drawing up specific objectives and activities for a three-year period.

As a result of the many grant types that we have in operation at this time, one can see the need for providing state leadership to the demonstration sites and, in particular, to the replication sites. We believe that the effectiveness and efficiency of Title IV programs would be enhanced greatly if the Education Department staff could increase monitoring and audits of projects and provide technical assistance to LEAs in need of such programs, but lacking the capacity to develop and to implement them. We are faced with administrative problems created by inflation and rising salary schedules to meet the cost of living so that we no longer have sufficient administrative funds to meet the growing need for additional staff. To make matters worse, funds available to States for administration were slashed in Title IV consolidation efforts of 1974. Under the old categorical provisions, NDEA, Title III (now incorporated in ESEA, Title IV-B), provided an effective rate of approximately 7½ percent of local assistance money, while ESEA, Title III (now incorporated in Title IV-C), provided a statutory rate of 7½ percent. Only the statutory rate of ESEA, Title II (now subserved by Title IV-B), was 5 percent, yet all Title IV state administrative funding was reduced to a 5 percent level in the new legislation. This ceiling for administration of Title IV damages effective administration of these programs. States must provide for an advisory council with broader responsibilities than the former Title III advisory council. Under Title IV, Part C, with regard to programs for innovation, States are required now to provide technical assistance to those local agencies needing help in developing applications. Now that a reconsideration of the legislation is being undertaken, it is imperative for sound program administration that the law be amended to provide the former 7½ percent levels for administration, rather than an unrealistic 5 percent.

C. SEA/LEA Management Capacity Building Program

One alternative to the effective management problem in Title IV and other Federal education programs is the creation in Title IV-C of a separate set aside with an increased authorization, for a comprehensive SEA/LEA management capacity building program. The program would be administered by SEAs working with LEAs, and would involve the following components presently scattered throughout a number of categorical programs: evaluation, demonstration and dissemination, technical assistance, monitoring, test development and testing, management inservice training, and improvement of educational data information systems. Such a program would combine these functions into a single management capacity system which could be applied to all the various Federal categorical programs.

A case in point is evaluation. Federal statutes require and fund evaluations of Federal education programs. These provisions have yielded limited results. A comprehensive and continuing base of testing information is essential for the evaluation of Federal programs.

Most Federal statutes focus on local evaluations of the specific projects funded under the statute. Unfortunately, these evaluations are generally limited because the projects provide only a part of the service offered to the students in a particular subject, such as reading or mathematics. The evaluations generally do not provide appropriate comparisons or longitudinal information about students participating in those projects compared with other students. In the aggregate, substantial Federal funds have been used for evaluation, and yet the impact of the information on policy review has been disappointing.

Funds currently provided under several Federal education titles for evaluation should be consolidated into a new statewide evaluation program within Title IV-C, to be an integral component of the SEA/LEA management capacity building program. The program would be phased in over a three-year period, permitting the States an opportunity to develop a sound evaluation system to be approved by the Secretary of Health, Education and Welfare. The program would provide first-year grants from the Federal Government to the state education agencies to plan and develop the statewide evaluation system. This planning could be done by States separately or in consortia with other States working with the U.S. Office of Education. During the first and second years, evaluation funds currently provided through Federal programs would continue to flow to local education agencies. During the second year of the program, evaluation funds flowing to local education agencies would be used in accordance with the statewide evaluation plan. During the third program year, evaluation funds previously flowing to local education agencies would be consolidated in one appropriation to the state education agency for the overall statewide evaluation plan.

With the execption of planning grants to establish the statewide evaluation plans, this proposal would cost no additional Federal funds. Funds currently provided under several titles for evaluation would be blended into a comprehensive evaluation plan. The statewide evaluation system would yield data on specific projects funded through Federal titles and would also provide more comprehensive evaluation information for school building, school district and statewide results. The consolidated testing and evaluation program will provide for longitudinal and cooperative studies and will enable general assessment of the effectiveness of Federal programs. The new set aside within Title IV-C would provide the funds for the planning grants and for the development of statewide testing and evaluation systems. It should be noted that in the consolidation of ESEA III into Title IV-B and C, testing was lost in the shuffle of new programs. Even with the guidance and counseling program enacted last year, testing was not included in the new authorization. The importance of developing statewide testing programs is emphasized by the recent concerns for stronger evaluation and assessment techniques, and for student achievement of minimum competency levels.

Equally important to the effective management and future success of Federal programs are the functions of SEA technical assistance to LEAs in the planning and implementation of Federal programs; monitoring of program activities; validation, demonstration and diffusion of promising educational programs and practices; and management inservice training. Since the urgency of the needs in which categorical educational programs are targeted is great, substantial pressures exist to continue programs attempting to meet those needs. This continues to occur even if monitoring detects serious shortcomings. Hence, funds should be available to improve and develop rational program management capabilities at both the state and local levels.

Also vital to the maintenance of efficient management capabilities is an educational data information system which can provide accurate, comprehensive information quickly. The Federal Government has long recognized that Federal statistical programs will be upgraded in direct proportion and relationship to the improvement of such programs at the state and local levels. That concept is embodied in the Federal-State Cooperative Systems of Data Collection. Such cooperative systems, which often involve direct financial assistance to States, have become operative in the Department of Labor, the Bureau of the Census, the Law Enforcement Assistance Administration and the Department of Agriculture; other examples include the Cooperative Health Statistics System and the Medicaid Management Information System.

In the area of education, assistance activities have had an uneven history. In the first half of this century, a number of national attempts were made to improve information about the condition of education in the United States. Those efforts were directed primarily at improving uniformity in the definition of educational terms and the reporting of educational statistics culminating in what has now become known as the Handbook Program of the National Center for Education Statistics.

It was not until 1958 that Federal assistance activities to improve educational information took new direction. In that year, the National Defense Education Act was passed by Congress. Section 1009 of Title X of that Act was designed to assist "the states to improve and strengthen the adequacy and reliability of educational statistics provided by state and local reports..." It provided to each state up to $50,000 of Federal money on a direct matching basis. In the first year of implementation, approximately one-half of the States took advantage of the available funds and, only five years later, 49 of the 50 States utilized some of the monies. As a direct result of Title X, the ability to generate quality educational statistics for both state and Federal use improved drastically.

In 1965, however, the picture changed when Congress passed the Elementary and Secondary Education Act which provided funds, under Title V, for the general improvement of state education agencies removing any specific appropriations for educational statistics. As a result, in many States the statistics programs often lost out in the contest for funds to other more pressing needs.

At the same time, however, the past ten years has seen an ever-increasing demand for educational information from the state and Federal levels. As a direct result of that growth and the attendant burden placed on state and local education agencies, the Congress established a Federal Paperwork Commission to investigate the problem. Congressional hearings have also been held to deal specifically with the paperwork burden in education.

While no single solution is available to solve the paperwork problem, one way of impacting the data burden and at the same time improving the reliability of educational statistics at both the state and Federal levels is to assure that streamlined information systems exist in state education agencies. New York State has had considerable success in this area. We have described those successes in testimony presented in June of this year to the House Subcommittee on Elementary, Secondary and Vocational Education.

Other States are also exhibiting an interest in improving the capacity of their educational data systems, but they have committed all the resources they can to this effort. A recent survey of state education agencies showed that in almost one-third of the States, Federal dollars represent less than 20 percent of total expenditures for these activities. In over one-half of the States, the Federal contribution is less than 40 percent.

Current levels of Federal assistance are sadly inadequate. If States are to make significant improvements in their information systems capability--improvements which will ultimately benefit the Federal statistical system--they must have help. NCES has been mandated in PL 93-380 to "assist state and local education agencies in improving and automating their statistical and data collection activities." Additional support of this mandate is needed immediately ... such support can be included in our proposal for a new Title IV-C set aside for building better management capacity.

III. EMERGENCY SCHOOL ASSISTANCE ACT

Since only a portion of ESAA expires in 1978, with the rest expiring in 1979, we would suggest a one-year extension of Section 704(c) and (d) and a reconsideration of the entire ESAA package expiring in 1979, with the total ESEA package.

In the reauthorization of ESAA activities, there are a number of items which should be considered.

--There should be a targeting of some ESAA funds, for districts preparing to desegregate, on plan development. We believe that comprehensive and workable plans are the key to successful desegregation efforts, and that all relevant sectors of the community should have an opportunity to offer input for the plan. Adequate planning requires substantial commitments of time and funds on the part of local districts. Federal funding should work as a planning incentive.

--ESAA has a state allotment program, in which each state is allotted a total amount, and USOE suballocates within the state on the basis of approved grant applications. The guidelines established for implementation of ESAA provide for state agency review and require that the SEA be given 15 calendar days in which to offer recommendations to the applicant and to submit comments to the USOE regional office. Thus, LEAs are to submit to the SEA a copy of the application being submitted to the U.S. Office of Education. These applications are usually submitted in the form of cartons of paperwork and it is, therefore, extemely difficult for the SEA to review them and offer technical assistance to LEAs in a 15 calendar day time frame.

We suggest that ESAA should be administered within a state by the SEA. The SEA would then suballocate the funds within the state. SEAs have more intimate and thorough knowledge of the school districts and their needs, and are in a position to establish priorities of districts according to their eligibility and requirements. In New York State, the Commissioner of Education has official legal jurisdiction over desegregation cases in the LEAs. Hence, the Commissioner is the one state official who is most familiar with the inter-racial legal problems occurring in the districts of the state.

--Further, with an ESEA, Title I, state plan program, ESAA could be administered by the SEA jointly with Title I and with the State's own compensatory education program. This would be most advantageous, for example, in solving the current problem of Title I funds not following the Title I child who is moved to a non-Title I school through mandatory desegregation. Title I funds for basic skills could continue for one additional year where economically feasible, and ESAA funds could followup with an inter-group relations program, perhaps also including a teacher training and curriculum revision component. In addition, States could better coordinate the bilingual education component of ESAA with the bilingual education program in ESEA, Title VII. Further consideration would also be facilitated with similar technical assistance activities carried out under Title IV of the Civil Rights Act.

--Most ESAA funds are currently being used for compensatory education in basic skills such as reading and math, a duplication of the Title I program. There should be a reexamination of the purpose of ESAA in this regard. From a management standpoint, it would seem logical to have Title I as the basic skills component, working effectively with ESAA as an inter-group relations and desegregation program providing incentives for innovation and development in the elimination of minority group isolation. Such a program would assist not only in the desegregation process itself, but it would provide for greater community and school personnel involvement and for teacher training, with the goal of removing any further racial conflict or misunderstanding in the desegregion setting.

--Finally, we support the retention of ESAA supplementary programs as contributing significantly to the Act's major purposes. There are many examples of highly successful use of these funds leading to increased inter-racial understanding. One such program is New York State's widely acclaimed educational television series, "Vegetable Soup." This program attempts to reach young viewers at an early stage in their development, to help them enjoy the benefits derivable from the richness of diversity in cultural backgrounds represented by the many ethnic minorities in America. It works to engender a positive attitude toward different cultures and their customs. More than 280 stations in the U.S. carried the series, and it was the first children's program series ever to be carried on a commercial network and 150 ETV stations at the same time. Some of the stations have repeated the series of 39 half-hour programs as many as four times. In this way, "Vegetable Soup" has contributed to one of the major purposes of ESAA--the alleviation of the negative effects of racial isolation.

IV. IMPACT AID

Since 1950, the Federal Government has provided a program of financial assistance to local school districts affected by Federal activities. Payments were made on a per pupil basis for operating costs (PL 81-874) or for the construction of school facilities (PL 81-815) to school districts providing free public education for Federally connected pupils where the numbers of such students resulted in an impact upon the resources of the local districts.

It was not until the Education Amendments of 1974 (PL 93-380) that legislative language was provided to ensure the funding within category "B" of the public low-rent housing program. This program provides funds to school districts for children residing on Federal property, exempt from property taxation, in low-rent housing projects. Forty-one districts in New York State receive funds under this provision, a total of approximately $17 million for the 1976-77 school year. Although almost 90 percent of these funds go to New York City, there are a large number of small jurisdictions scattered around the State which receive funds for low-rent housing children as well. We would strongly oppose any attempt to eliminate or modify language in impact aid which would have the effect of diminishing funds for this category.

In addition, low-rent housing funds provided under the Impact Aid program are earmarked for use for ESEA Title I-type purposes only. Hence, unlike the remaining portion of the Impact Aid program (with the exception of the handicapped) which can be used by LEAs for general education purposes, low-rent housing funds can be used by the LEA only upon approval of an application to the state education agency. No administrative funds are provided to SEAs for this purpose. We would recommend that additional administrative funds be set aside for SEAs, perhaps in ESEA, Title I, in order to accommodate this increased responsibility over Impact Aid low-rent housing funds.

V. ADULT EDUCATION ACT

The relevancy of public education has been questioned more now than in any period of history. This has been especially true in New York State, where rapid changes have emphasized the demand for quality education to meet citizen needs in adjusting to the changing social, economic and political environment. Education must be a continual process throughout life, and, as such, it is only one sequence in this continuous process. Public responsibility can no longer end with the K-12 experience. Society must provide the resources necessary to deliver educational services throughout the life of the individual.

Therefore, adult continuing education is being encouraged to provide the individual with a variety of opportunities to upgrade his or her cognitive, attitude, and skill needs to adjust to the socio-economic demands of society. The Adult Education Act has made significant contributions to this process, yet there remain problems and demands that need to be met.

The 1970 census has shown that New York State had approximately 4.9 million adults, aged 25 and older, with less than a high school education. Of these adults, 2.9 million had eight years or fewer of formal education and are classified as educationally disadvantaged. This large number of adults have need for educational skills which will enable them to cope with the demands of contemporary society.

Data for 1976 indicate that the various systems of adult education worked with over 1,226,000 adults. However, non-participants are found in disproportionate numbers among the educationally disadvantaged. In order to participate, these adults have indicated, in a Needs Assessment Study completed in January 1977, that they must overcome financial and personal barriers which currently limit their participation in these activities. Demographic shifts further indicate that the number of families with income below the poverty level is increasing. Between 1970 and 1974 (at a time when the national average declined by 2.3 percent) the number of such families in New York State increased by 6.6 percent.

Demographic shifts in the composition of the State's elderly population also have consequences for adult education. Persons aged 65 years and older currently comprise 11 percent of New York State's population. Large numbers of educationally disadvantaged persons, approaching retirement age, have indicated that they are seeking ways of spending their future, following termination of employment, in productive and rewarding pursuits. Retired educationally disadvantaged adults should be able to pursue lifelong interest or develop new ones. Their pursuit of these interests can be of benefit to the rest of society as well as provide satisfaction to the individuals.

It is estimated thate there are over 8 million illegal aliens in the United States who may be allowed to stay, and, if this comes to pass, States like New York will have to provide a citizenship program to meet this need. Naturally, the Federal Government has a vital role to play, and that is to provide legislation with funding to assist the States to accomplish the mission of educating aliens.(See Appendix I.)

During 1976, we in New York State operated an Americanization program for over 15,000 aliens. The previous year, 1974, we had a program for over 35,000 adults. This cutback in the program came as a result of the loss of local adult education money. It is obvious that local and state governments alone cannot meet this crucial need.

As a result of these shifting demographic, social, and economic trends, we recommend the extension of the Adult Education Act at current or higher authorization levels, with the following additions:

A. Immigrant Education

Per our findings and recommendations found in Appendix I of this testimony, we recommend new language allowing any state the authority to set aside up to 10 percent of its allotment under this Act, for the operation of citizenship/education programs for immigrant aliens. This program could provide English as a second language, literacy and cultural education, history and government of the United States, and social living skills.

States, at their discretion, can include the immigrant student in the English as a second language component of their on-going adult basic education program. A section in the legislation should allow the new program for immigrant education to be included in the state plan for adult education.

This legislation is of particular significance for States like New York that have large ports of entry into the United States. The educational process for immigrants is more than a local or state issue. It is a national concern and, therefore, provisions should be made to provide the legal, financial, and technical support to carry out the education of aliens who plan to become citizens. Adult education is an established vehicle to perform immigrant education; however, there needs to be this change in the law, along with increased funding, to do the job.

B. Special Projects for the Elderly

Section 310 of the Act, special projects for limited and non-English speaking elderly, should be reauthorized and amended to allow direct allocation to the States on the basis of the relative number of limited and non-English speaking elderly population in each state. Each state plan would then provide for coordination where applicable between this program and its immigrant education program.

Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs and complying with governmental requirements, such as those for obtaining citizenship, public assistance and social security benefits, and housing.

C. Planning Grants

We recommend a new authorization of approximately $5 million for planning grants to the States. These grants will be used to fund needs assessments, long range planning, implementation of program, and articulation of adult education with other programs such as CETA. The planning grants can be used to plan programs for such groups as the unemployed, migrants, handicapped adults, minorities, women, blue collar workers, the elderly, and others

This change in the legislation would allow the States to work with the local, regional and cross-regional levels to carry out planning and also provide funding for this process.

The county and local agencies and officials would need to sign agreements authorizing and encouraging the development of joint planning for serving the disadvantaged adults. These agreements must be initiated by Federal officials, through state agencies, to the county and local agencies.

The state agency responsible for adult education, in accordance with their state plan, would act as the facilitator in bringing the agencies together to start joint program planning. In addition, several States may wish to work cooperatively if they have similar populations and needs.

The economically and educationally disadvantaged adult population requires programs and services which address the total person. Reaching such groups is more difficult than reaching the more traditional adult student. Effective approaches to meeting this need require development. With a well-designed and coordinated plan for supportive services, the adult education program can better assist people in becoming more self-sufficient and full participating partners in their respective communities.

No such planning network exists today which is funded to bring together multiple services and agencies for joint planning, even though all are serving the same population. Such a disjointed and uncoordinated thrust at helping the disadvantaged adult has created wasteful duplication of services, high administrative costs, and the problem of bureaucratic turfdom. The disadvantaged adult again is left with the dilemma of dependency with very little opportunity to understand how to become more self-sufficient.

Only through a local community can the disadvantaged be directly affected to any great degree. Citizens can work with the local and county elected representatives and agencies on this common concern--how to best help the disadvantaged adults living in the community.

VI. BILINGUAL EDUCATION

The Bilingual Education Program was established in 1968 to meet the special educational needs of limited English-speaking children from low-income families. Authorized under Title VII of ESEA, the U.S. Office of Education administers the program, providing funds to LEAs for the design, development and implementation of model approaches to bilingual education. The impact and involvement of States in this process has been sadly inadequate, due to statutory and regulatory deficiencies. Recent reports on the success of the program have been critical, such as the 1976 GAO report and the more recent evaluation study conducted by the American Institutes for Research for the U.S. Office of Education. We believe the program has been effective to a large degree, but also feel it is in need of improvement in the following areas.

A. Definitions

Bilingual education is distinguished from the English-as-a-second language concept which stresses separate classes for English language instruction. Bilingual education uses English and another language as instructional mediums in some or all subjects, and also emphasizes the culture of the other languages. It is, in fact, a developmental process of learning in two languages. Participants can include children proficient in English as well as limited English-speaking children.

It is important that this bilingual/bicultural concept be retained. A singular emphasis on ESL could have a negative impact on current programs as 1) they may change to be "transitional" in nature with little concern for general cognitive and effective development, development of native language skills, or fostering cultural enrichment of the students; 2) they may be transformed into simply remedial programs, likely resulting in pull-out or tutorial models; and 3) other children, including Anglo children may not be allowed to participate, hence being deprived of cultural enrichment opportunities.

The statute refers in several places to "children of limited English-speaking ability." We recommend this language be changed to "children of limited English language proficiency." The current text limits eligibility to students based on one function of language, "speaking." There are many students who have limited oral ability, but who are functionally illiterate with respect to reading and writing with comprehension. "Proficiency" is also easier to measure than "ability."

In this same light, a number of references are made in current statute to children who "have difficulty in speaking and understanding instruction in English." We recommend that this phrase be changed to "have difficulty in speaking, understanding, reading, and writing the English language." The intent of Congress is to have children progress effectively through the educational system. In order to achieve effective participation, students must be equipped in each of the four basic language skills. Present statutory language is limited in this regard.

B. State Plans

The State role in the bilingual education program is currently very limited. This is despite the fact that States have a key function to carry out in the provision of a free public education to all children. Direct Federal monitoring and administration of the bilingual program has not been entirely successful, as indicated by both the AIR and GAO reports. States are in the best position to know the diverse needs and problems among the LEAs within each State. This has also recently been found in the Canadian bilingual education program. The Canadian federally administered program is being restructured due to its limited success, duplicative programming, financial waste, and evaluation problems. The new Federal focus will be on funding decentralized bilingual programs administered by the Provinces to local boards. Programs would then be designed at the local level to meet individual local needs.

Furthermore, the bilingual education program has grown to a $135 million "demonstration" project. It is time to reconsider this demonstration thrust, and perhaps better emphasize a service program similar to ESEA Title I.

We recommend that the bilingual education program be changed to a State administered program, with allocation to the States based on the per capita school aged limited English language proficient population, to be determined annually by statewide language assessments. States would submit assurances and have a file with annual updates and language assessments. The plan would propose the criteria and method for intrastate allocations, to be approved by the U.S. Commissioner of Education. States would also be responsible for the training, technical assistance, evaluation, and monitoring of the bilingual programs within the State.

The LEAs, in turn, would be required to submit assurances and retain a five-year "competitive comprehensive plan," updated annually. Allocations could be based, for example, on per capita school aged limited-English language proficiency population, the grant to be made only upon State approval of a "competitive comprehensive plan" which must indicate the following: 1) how the Federal funds will be used on conjunction with funding from other sources in a comprehensive program, delineating all instructional and support services; 2) procedures for absorbing program costs as Federal funds diminish; 3) services to nonpublic schools; and 4) procedures for summative and formative evaluation of program effectiveness by component, e.g., instructional, support, parental involvement.

With States assuming the responsibility of reviewing the plans in this way, there would be a greater assurance that quality "programs" will be approved as opposed to strictly quality "proposals" with their limited purview. Under current statute the procedures have not been established for State review and comment in such areas as funding decisions with respect to local proposals or input into Federal regulations. In addition, no comprehensive planning is required, nor are districts charged with the responsibility of gradually absorbing program costs.

C. Training

There are a number of training provisions in the Statute which should be consolidated into one training program administered by the SEA. They include the required fifteen percent set aside in local funds and the various programs in Section 723, including the U.S. Commissioner's training grants to SEAs, LEAs, and IHEs, and IHE fellowships.

Currently there is very little rhyme or reason to the way training grants are distributed. LEAs are required to use 15 percent of their funds for this purpose, whether or not the need exists. In addition, there exists no IHE training program criteria. As a result, several programs are simply "add ons" to foreign language education. Little attention is given to methods in bilingual education, with often neglect of the concept of using the students native language as a subject and as a tool. If students are to acquire basic skills, training programs must provide the vehicle for teachers to develop effective teaching strategies in a bilingual setting.

We recommend that the 15 percent LEA set aside requirement be retained for inservice training, but with a waiver provision if an LEA can show the need does not exist. In addition, the provision of Section 723 should be administered by the SEAs. This recommendation stems from past experiences where USOE funded programs that were not registered in New York State, programs that had not been reviewed by the SEA, and only programs in private IHEs. If training programs are to be successful they must meet criteria and standards determined by each SEA.

D. Advisory Committees

The local advisory committees are limited to parents of children of limited English speaking ability. This has the effect of isolating parents from the decision making process in conjunction with teachers, administrators and other parents; and excludes participation of English dominant parents who have voluntarily enrolled their children in the program. We recommend that the statutory language be changed in such a way as to allow the participation of any parents of program participants.

The National Advisory Council on Bilingual Education does not include parents, students, and SEAs, although specific quotas are assigned to teachers, teacher trainers, and school board members. Neither has there been promulgated procedures for recommending members to the Council.

We recommend the inclusion of a) at least two parents of students of limited English language proficiency, b) at least one student, and c) at least two SEA representatives. Procedures should be specified for recommending nominees to the Council.

If the bilingual program were changed to a State administered program, it may be desirable to have State Advisory Councils as well.

E. Immigrant Education

Per our issue paper on the need for immigrant education programs, found in Appendix I, we strongly recommend that such a program could be integrated in ESEA, Title VII. This can be done in a number of ways, including the addition of a new Part D, Financial Assistance for States Providing Educational Services to Immigrant Children, or a separate set aside within the Part A program authorization as a State administered program.

APPENDIX I

FEDERAL AID FOR THE EDUCATION OF IMMIGRANT CHILDREN

Introduction

Federal policymakers have traditionally failed to recognize the ongoing nature of immigration to the United States and the associated special needs of immigrant students. As a result, Federal policy regarding immigrant education has been a series of reactive responses to immigration crises--particularly to waves of political exiles. Rising immigration levels, and a shift in country of origin, today mandate legislation of a consistent Federal policy to aid overburdened States and local school districts providing for immigrant education needs.

Rationale

Since 1965, the number of school-age immigrants entering the United States legally has increased more than 30 percent. Moreover, the background of today's immigrant child differs from that of immigrant children in previous years. Due to recent developments in the United States' foreign policy and liberalized immigration requirements for developing countries, many of today's school-age immigrants possess backgrounds strikingly different from those of mainstream Americans.

Numbers of immigrants from selected Asian areas, particularly those of Vietnam, Thailand and Korea, have risen over 1,000 percent since 1965. Numbers of immigrants from English-speaking and culturally similar areas, such as the United Kingdom and Canada, have dropped by 60 to 80 percent in the same period (See Table A). Substantial increases have also been noted in

TABLE A

SCHOOL-AGE IMMIGRANTS ADMITTED BY SELECTED COUNTRY OR REGION OF BIRTH: YEARS ENDED JUNE 30, 1975 and 1965*

	Number of School-Age Immigrants		
Country	1975	1965	Percentage Change
United Kingdom	2,702	6,840	-60.5
Canada	1,827	9,582	-80.9
Ireland	321	1,366	-76.5
Germany	1,289	6,011	-78.6
ALL COUNTRIES	96,549	74,174	+30.2
China and Taiwan	4,634	1,014	+356.9
Korea	7,091	541	+1210.0
Thailand	1,054	54	+1870.6
Vietnam	760	57	+1244.7
Mexico	15,551	9,492	+63.8
Cuba	6,489	4,940	+31.4
Jamaica	2,769	459	+502.9

*Approximately 25 percent of all entering aliens were of elementary and secondary school age. This percent was applied to total entrants residing in each state, 1965 and 1975.

numbers of immigrants from Mexico, Cuba, and other Spanish-speaking Latin American nations.

Many of these immigrants are of school age. Moreover, many are adults of child-bearing age and/or are the parents of pre-school youngsters who will arrive later at school doors with needs for special educational services.

Because these students come from cultural and linguistic backgrounds substantially different from that of the United States, they have critical needs for additional educational services. Many are traumatized by the radical differences between the socio-cultural, educational and academic systems prevailing in their country of origin and those of the United States. Often their languages are ordinarily not taught in American schools and special help must be provided. In 1975, 13 percent of the school-age population in the United States was non-English speaking. Forty-nine percent of these students spoke Spanish. Greek, Portuguese and Asian languages also were spoken by large numbers of students (See Table B). The language barrier, combined with sharp differences in educational practices and philosophies, slows the young immigrants' rate of educational achievement and adaptation to American life. In addition to more bilingual faculty, other special support services and materials are needed to provide for the socialization of these students into the American culture.

A government survey recently raised the possibility that the United States may be a bilingual country within 50 years. This prediction is based on the number of illegal immigrants annually entering the United States from Mexico and differential fertility rates among Hispanics. The survey committee

TABLE B

HOUSEHOLD LANGUAGES OF THE POPULATION: JULY 1975*

Language Spoken In Households	Total Population 4 Years Old and Over	School-Age Population 4 to 25 Years Old
TOTAL	196,796,000	83,150,000
English Only	167,665,000	71,404,000
Non-English as Usual or Other Language	25,347,000	10,639,000
Spanish	9,904,000	5,162,000
French	2,259,000	967,000
German	2,269,000	794,000
Greek	488,000	189,000
Italian	2,836,000	952,000
Portuguese	349,000	117,000
Chinese	534,000	219,000
Filipino	337,000	174,000
Japanese	524,000	213,000
Korean	246,000	107,000
Other	5,559,000	1,741,000
Not Reported	3,786,000	1,106,000

*National Center for Education Statistics, 1977.

forecast "somber" prospects for State and local governments--and for schools. The predicted thaw in United States-Cuban relations and current crises in African countries may also lead to influxes of students needing special services. As these trends continue, bilingual education is becoming a high-growth area in American education. Resources to provide these additional services are shrinking at a rapid rate.

Recent figures (See Table C) indicate that the burden for providing additional educational services for school-age immigrants falls most heavily on the few major States in which these children are highly concentrated. California and New York together bear the costs of educating 38 percent of the total United States school-age immigrant population. Florida, Texas and New Jersey, in combination, must provide for the education of 19 percent of the total.

A brief summary of situations in most impacted States will be helpful in assessing the need for Federal aid.

Recent California legislation requires that state to conduct a language census through the local school districts. The state must then provide limited or non-English speaking public school pupils present in numbers of at least ten per grade, grades K-12, with a program in a language understandable to them, irrespective of funding. The financial implications of such legislation are weighty. Census results show that 99 languages are spoken in Los Angeles alone.

California also ranks first in numbers of Indochina refugees served, and Texas ranks second. Both California and Texas are also experiencing an influx of immigrants from Mexico. Recent studies project that, in both States, minority enrollment in public schools should equal or exceed Anglo enrollment by 1985.

TABLE C

CONCENTRATIONS OF SCHOOL-AGE ALIENS IN MAJOR STATES

1976*

State	Number of School-Age Aliens	% of Total U.S. School-Age Alien Population
California	274,237	23
New York	175,906	15
Florida	78,770	7
Texas	81,150	7
New Jersey	59,113	5

*25 percent applied as in Table A

Total numbers of alien/immigrant children in Texas schools rose by 6,549 pupils between the 1975-76 and 1976-77 school years. Approximately one-fourth and one-fifth of these students respectively were attending the reporting school districts for the first time. Sixty-one Texas border districts reporting the greatest impact of such students (up to 15 percent of the student population) were those with limited financial resources. Most of these students have limited English-speaking ability and are unable to perform ordinary classwork in English. Additional facilities and programs are urgently needed.

In 1976, New York State served 15 percent of the national population of school-age aliens. Many of these children are concentrated in the already overburdened cities. For example, one-half of the 18,000 Russian Jewish immigrants arriving in the United States from 1971-76 settled in New York City alone. Six thousand more Russian Jews are expected to settle there by the close of 1978.

However, culturally disparate school-aged aliens such as the Vietnamese also are scattered widely throughout the State. Although New York rates seventh among the States in its population of Vietnamese refugees, all but about 500, served by New York City, are widely dispersed within the State.

At least 22 languages are spoken in New York State. Of the 533,937 children diagnosed as in need of special educational services in 1975-76, only 150,000 could be served under present financial circumstances.

The current influx of linguistically and culturally disparate students is clearly the result of Federal action. Federal policy changes have opened immigration doors to vast numbers of non-English speaking aliens--particularly to refugees. Moreover, recent Federal court decisions, such as Lau v. Nichols, require States and local districts to provide language instruction or "other adequate instructional procedures" for all non-English speaking students. Non-compliant districts face violation of Section 601 of the Civil Rights Act and HEW implementation regulations. Loss of much-needed Federal aid for other programs would result from such violations.

Costs

The intent of Federal court decisions is to provide meaningful opportunities for non-English speaking students to participate in the educational program. This is laudable. However, Federal decisions impose added burdens on States and localities already facing financial crises. No Federal financial assistance is available for meeting these additional expenses.

The primary Federally funded vehicle attempting to meet the needs of non-English speaking students is Title VII of the Elementary and Secondary Education Act of 1965. This 1968 amendment defined the Federal role in assisting LEAs in providing educational services for bilingual elementary and secondary school students.

National and State supplementary cost figures for Title VII programs are very difficult to develop for a variety of reasons. First, bilingual education programs vary among and within the States. A few of the program variables affecting costs are: funding levels, subjects and services provided, grade levels served, student time spent in the program, LEA capital outlay, and expenses for personnel and inservice training. Expenses are also affected by geographic cost differentials, differential populations of target students, and by the amount of state aid these additional students provide.

Generally, systematic data collection procedures do not enable SEAs and LEAs to show add-on costs of the programs. Substantial state- and county-level data processing capabilities are a necessity for such efforts.

Finally, program and recordkeeping differences have led to inadequacies in the program and fiscal research efforts undertaken to date. Some previous calculations were based on identification of "exemplary programs" or "ideal" programs developed by panels of experts. These techniques generated soft data that were not generalizable. Meanwhile, studies using actual costs and conditions attempted to account for too many variables or too few. The results have been described by National Center for Education Statistics' officials as "very weak." Canadian officials, however, estimate the cost of educating an immigrant student to be twice as great as that for a native-born Canadian.

Under compulsory education laws, schools cannot refuse to educate a child due to lack of money, staff or space. Since there is neither an available financial margin, nor Federal financial assistance, two choices exist for these States. First, the additional fiscal burden of educating immigrant children might fall squarely on the local taxpayer. Due to the regressive character of the property, sales, and use taxes that provide educational funding, disproportionate amounts are paid by low-income and elderly citizens least able to afford them. Moreover, most parents of school-age immigrants do not become taxpayers immediately because it is difficult for them to find jobs. Jobs that are available to immigrants often provide mere subsistence salaries, and contributions to all taxes are small.

Secondly, immigrant children with critical needs might be absorbed under existing budgets. This would cause cutbacks in programs for other children, particularly those with special needs.

Since only the Federal voice is heard in these mandates, a Federal responsibility exists to provide necessary financial assistance so that hard-pressed States and localities can meet Federal requirements. Currently, the Canadian Federal Government offers a textbook aid to local boards providing educational services to numbers of immigrant children. Federally imposed burdens cannot be met in the United States, and the education of all children will suffer, unless a program of Federal aid based on already substantial precedent provides relief.

Further benefits are associated with Federal relief for immigrant education. Non-English speaking students enrolled in bilingual programs attend schools more consistently and have lower dropout rates than bilingual students whose needs are not served. Increased attendance rates produce more state aid for LEAs, benefitting all students. Moreover, continuing school attendance of bilingual students and their later productive employment help to reduce levels of anti-social behavior and the resultant social and economic costs.

Since the provision of a free public education is the States' constitutional responsibility, direct administration and restrictive regulations should be avoided in legislation offering Federal aid for educating immigrant children. Flexibility is needed at State and local levels to provide for diverse needs.

Dr. Ambach. I have also provided a summary statement this morning highlighting the recommendations of that lengthy statement. In cognizance of your statement as to the time factor and in respect to my colleagues and giving them a chance to be heard by the committee, I would like to cull from my summary statement which I would like to refer to your attention. I refer to the summary statement, 9 pages long, and has been given to you this morning.

My colleague from Kentucky has covered a portion of this. I will not repeat changes but I would like to call your attention to changes in certain elements of Title I, formula inadequacies.

On page 3, may I indicate certain changes we recommend you consider:

1. The national allocation should be shifted from the county to the State level, with the use of annually updated State-by-State poverty population estimates. Such yearly estimates would allow for smooth transition between mid-decade census counts which begin in 1985;
2. State education agencies should allocate funds within the State on the basis of a plan approved by the U.S. Commissioner of Education. States should have the option of concentrating funds to fit each State's unique problem areas;
3. Where State programs are similar to Title I, the Federal Government should allow the programs to complement each other without major audit problems;
4. Extra weight should be assigned in the county and subcounty allocation formulas to account for heavier concentrations of target pupils in some local education agencies, with increases in Title I funding to be directed toward these local education agencies;
5. The 120 percent limitation on State per pupil expenditure should be raised or eliminated; and
6. Congress must encourage and direct a combination of Federal agencies to develop workable criteria and data acquisition techniques for a new poverty definition which would provide more equitable treatment of poor families in densely populated jurisdictions.

My colleague has commented on the expansion of the State role. I believe what has happened is a strengthening of both the State capability and a strengthening of understanding of Title I, the importance of having good State plans in operation which coordinate this program with other programs to make maximum use of resources.

I would like to point out one major change as to Title I which we recommend: Parent involvement.

There is widespread concern that after 12 years of effort in Title I and other similar programs, large numbers of children continue to perform at unacceptably low levels. There is, however, strong evidence that pupil performance in school is influenced heavily by the parents' educational background and the involvement of parents with the education of their children.

To encourage stronger school-child-parent partnerships, it is proposed that there be a Federal program to support education of parents of Title I eligible children, as an integral part of Title I, or perhaps in collaboration with the Adult Education Act. In the first years, the Congress would authorize State education agencies to make grants to eligible applicants in the development of needed programs. Thereafter, State education agencies would carry out the sequence of validation, demonstration, and diffusion of promising programs in an effort which would have great State and national significance.

There has been much discussion in the past few years about the effect of using academic achievement data as the basis for allocating Title I funds nationally. New York State strongly opposes the sole use of such data in a Federal allocation formula for Title I for these reasons:

1. No national measure exists. The development of a reliable national instrument for measuring educational achievement would be a costly endeavor.
2. The total number of Title I eligible children would increase if national achievement data were used rather than economic data because non-poor but low-achieving children would draw on Title I funds as well as poor childrren. Title I continues to be grossly underfunded for the current number of eligibles and those children should continue to be the prime recipients.
3. If funds were allocated using solely achievement data and constant dollars provided, there would be a significant shift of resources away from urban areas and concentration of the poor to suburban areas. This is illustrated in a study we carried out in several selected urban counties in upstate New York.

Through Title V fund small investment, we have funded a major reading program which has drawn some $800,000 in assistance. With small funds we have drawn foundational support of $2 million. These kinds of activities funded by Title IV and V–C are extremely important for continuing the leadership roles in the States. We have specific recommendations on page 6. In the interest of time I will not comment orally on those recommendations.

On page 7, the Emergency School Assistance Act.

1. Most ESAA funds are being used for compensatory education in basic skills, a duplication of ESEA, Title I. There should be a reexamination of the purpose of ESAA in this regard: Either ESAA should be consolidated with Title I or ESAA should be an intergroup relations and desegregation program, leaving Title I as the basic skills program. We favor the latter.
2. We suggest that ESAA should be administered within a State by the State education agency, which would then suballocate funds within the State. With an ESEA, Title I, State plan program, ESAA could be administered by the State education agency with good coordination for this program, Title I and the State's own compensatory education program, if such exists.

The Education Amendments of 1974 provided funding within Category B of the public low-rent housing program. This was a compromise in the revision of the ESEA, Title I, formula since so many districts with concentrations of low-income children otherwise lost funds. Forty-one districts in New York State receive funds under this provision. We strongly oppose any attempt to eliminate or modify language in impact aid which would have the effect of diminishing funds for this category.

Two areas are identified for consideration in the Adult Education Act: the question of immigrant education, particularly with the President's proposed amnesty plan for illegal aliens, and the problem of nonparticipation on the part of the disadvantaged.

1. New Language allowing a State authority to set aside up to 10 percent of its allotment for the operation of citizenship education programs for immigrant aliens.

2. A new authorization of approximately $5 million for planning grants to the States, to be used to fund needs assessments, long-range planning, and articulation of adult education with other programs, such as CETA. This change should also allow States to collaborate with local, regional, and cross-regional levels in the planning process.

Recent federally sponsored reports on bilingual education have been critical of these programs. We believe the program has been effective to a large degree, but there is room for improvement. Highlights of our recommendations follow:

1. The bilingual/bicultural concept should be retained in the program;

2. Direct Federal monitoring and aministration of the bilingual program has not been successful. We now have a $135 million "demonstration" project. We recommend the program be changed to a State administered program, with allocation to the States based on the school aged, limited-English-language-proficient population, to be determined annually by statewide language assessments. States should submit to the U.S. Office of Education a comprehensive 5-year plan with annual updates, which would propose criteria and methods for intrastate allocation. Coordination could be achieved at the State level with bilingual programs in ESAA and vocational education; and

3. We recommend strongly an immigrant education program, possibly integrated into the bilingual education program. This can be done in a number of ways, including the addition of a new Part D, Financial Assistance for States Providing Educational Services to Immigrant Children, or a separate set-aside within Part A as a State administered program.

I would like to note one in eight persons live in households not speaking English. There are 80 percent more children entering the United States than there were in 1965. It is essential for the Federal commitment to assist States and localities in the education of these children. We have an opportunity to increase this Nation's capacity in its bilingual stature.

We have covered several programs in very quick fashion. I would like to answer questions on any of the programs.

Mr. KILDEE. Would you support a general aid program on top of Title I, that is if it would go into effect when Title I would reach a certain level of appropriations? These funds could be used for any purpose and they would be designed to foster equalization of resources.

Dr. AMBACH. The first and foremost priority is the full funding of the Title I provisions. We believe before any general aid provisions are put in place, the appropriations for Title I should reach satisfactory levels, perhaps $3.7 million. At that point, I would support

Federal aid provisions which would expand from direct service to the poor to funding programs still looking at low achievement, but I believe that is the next priority rather than moving to a full general aid provision.

Mr. QUIE. Would the gentleman yield?

Mr. KILDEE. Yes, Mr. Quie.

Mr. QUIE. In your longer testimony you indicated we should revise the 40 percent average State expenditure, down to 20 or 30 percent——

Dr. AMBACH. That is only with respect to migrant education set-aside. The provision that we have is with respect to the requirement that 40 percent for purposes of children who are migrant children. Our recommendation for them was a reduction to 20 or 30 percent. Because what has happened in the last several years is that that requirement has provided a tilt of the resources, in our estimate, too much in that direction.

Mr. QUIE. I recognize that. You would want to keep the regular appropriation of 40 percent but move the migrant to 20 or 30?

Dr. AMBACH. My response is we would like to see the program fully funded which would increase the funding for students who are poor.

Mr. KILDEE. You have your regular time, Mr. Quie.

Mr. QUIE. Would you tell us about your regular program which you call pupil with special educational needs and how you determine eligibility of children under that need?

Dr. AMBACH. In 1969 a program was established called the Urban Education Program in New York State. The funds provided in that program were based on achievement test results. The funds were limited to the largest or most urban 50 districts in New York.

In 1974, the concept of providing assistance for pupils with special educational needs was translated into a statewide formula, still using pupil achievement as to distribution. The funds are allocated, in short, on the basis of the proportion of students each district has which fall below a State minimum or reference point on that standardized test.

Mr. QUIE. What is that level, that State standard?

Dr. AMBACH. Let me provide it in terms of the proportionate children below that. It is approximately 23.5 percent of the children who are below that, statewide.

Mr. QUIE. So, if a school attendance area has less than 23 percent who fall below that level of achievement, which you have indicated 2 years below grade level, if they have fewer than 23 percent, would they then not be eligible for funds? Am I understanding that correctly?

Dr. AMBACH. For State funds?

Mr. QUIE. Yes.

Dr. AMBACH. Then they are eligible for State funds. You take account of those children below that reference point and you provide a weighted average.

Mr. QUIE. What about the concentration or the critical mass talked about in Title I, if a school attendance area or district has few children, would they still receive the money?

Dr. AMBACH. Yes.

Mr. **Quie**. In Title I, you are supposed to receive the money if you have a higher percentage than the district average.

Dr. **Ambach**. There is no concentration factor in that formula.

Mr. **Quie**. You mention in your larger statement on page 42 and page 43, about Albany County and how if we went to a distribution based on competency, rather than income of parents, that funds would be taken away from Albany, itself, into the other school districts in the county.

Looking at that, do you find your State program is inequitable as you mention later on that money then goes to areas which have wealthier families? You mention certain counties as being wealthier.

Do you feel that to be inequitable, your sending money to the wealthier districts?

Dr. **Ambach**. The PSE, as we call them, is provided within that formula. So it is provided as to our State formula which has equallization factors built in it. There is a difference in the distribution of that State aid and the distribution of ESAA. I advocate the Federal program continue to concentrate funds on people who are poor, not just those who are low achieving, but those who are poor and also low achieving.

Mr. **Quie**. You don't want to concentrate on poor whether low achieving or not?

Dr. **Ambach**. We have advocated with respect to the distribution within a State, this should be done on a State plan basis and not simply on a flat or automatic distribution. We have circumstances in the State in which in some districts aid is provided under Title I where there are only 2 percent of the children who are Title I eligible and other districts where 44 percent of the children are Title I eligible. If the school happens to be below 44 percent in that district, it is not a Title I district. However, if the child was in a school in another district above the 43 percent, they would be eligible. We believe you can fine tune the formula on a State business still moving funds to the building level but looking for achievement factors as to those children most in need of the funds.

Mr. **Quie**. Your school districts vary from 44 percent being eligible to 2 percent Title I students?

Dr. **Ambach**. That is right.

Mr. **Quie**. Let us take, then, a school district which has 5 percent eligible Title I. The school districts that have a concentration of greater than 5 percent receive Title I funds?

Dr. **Ambach**. That is correct.

Mr. **Quie**. So, let us say, here is a school with 6 percent and one which has 7 percent. Then you have another school where the average is 29 percent. The reason I use 29 percent is that the law provides if you have greater than 30 percent concentration you can count that as a target school or a Title I school, even though the average is higher. So, take 29 percent.

That means school attendance areas with 21 or 25 percent attendance couldn't get any money?

Dr. **Ambach**. That is correct.

Mr. **Quie**. And the other schools are receiving money even though they have 6 or 7 percent.

Dr. **Ambach**. That is correct.

Mr. **Quie**. So it seems we should use some other factor.

Dr. **Ambach**. Our proposal is that there is a State plan, a State plan for purposes of allocating the funds among school districts and then within the State, a determination as to the distribution of the funds among school districts so that you can provide a more equitable distribution and not have the circumstances you have just described, Mr. Quie. You can do that with poverty factors, you don't have to have achievement factors to do that.

Mr. **Quie**. The way it is now, under the Harvey formula for distributing money, we are presently using the 1975 Orshansky, which is——

Dr. **Ambach**. The number of children based on the 1960 census and Orshansky of 1965, 1963 is a decreasing AFDC above that. But your 1969 data is back down around $3,750. It is on AFDC that you are using above $5,000.

Mr. **Quie**. They are using AFDC above $5,569. It is true the 1970 census was done based on the 1969 income. But the assumption is if those people still exist out there, they would have that. That whole thing is fallacious. When we start using the 1980 census information there won't be a child in school based on the 1969 income information.

Then you go to the local school district and make a determination on which schools are target schools, then you use an AFDC, you don't use the historical census.

Dr. **Ambach**. The school lunch.

Mr. **Quie**. That is $1,115 you can use then. When you get into the school, however, and you have the high concentration school districts and any school which has 30 percent poor children. That is $7,125.

My question to you is, if you are going to use poverty, which of all those formulas would you suggest we use because you suggest we have an annual update, the $11,000 income, the $7,000 income or the $5,00 income figure?

Dr. **Ambach**. I wish I had a precise income to use right now. I point out we have recommended 0.6 on page 3 of my summary statement. There must be and we urge the Congress to direct the appropriate Federal agencies which have the wisdom, the knowledge to draw together an appropriate distribution formula, do so, so, in fact, we have a sound and equitable formula which can be used for distribution of Title I funds and which can follow on through as you have taken it from State and local school districts to the target area.

We believe we should continue to use the practices we have in place which contain a mixed formula system. But we think even with that mixed system, it is as good as we can get and it is a more sound distribution arrangement than to shift to a pupil distribution base, in accordance with the basic objective of Title I.

Mr. **Quie**. Using your Albany County example, do you feel those students who are underachievers in the other school districts should not be eligible for Title I money? You assume they should be eligible for State money but they shouldn't for Title I money?

Dr. **Ambach**. That shows what the shift would be if they should.

Mr. **Quie**. You don't think they should?

Dr. **Ambach**. That is correct.

Mr. **Quie**. Those underachievers in other school districts should not be able to receive compensatory education?

Dr. **Ambach**. Those students identified as low achievers are now recognized by our State formula for assistance as part of our overall State formula. That should continue. Indeed, our board has recommennded an expansion of that program.

But with respect of the Federal program, it is our position the concentration should be maintained on the basis which now exists as to identification by poverty and the Federal resources should be concentrated in that way.

Mr. **Quie**. But, at the same time, you are saying an underachieving non-poor child is not as much in need of Federal money, otherwise, you would want to, if you did not feel that way, you would want to have the same distribution formula as you have in the State.

Dr. **Ambach**. I am saying the concentration of Federal funds should stay where it is.

Mr. **Quie**. Again, in that study I was referring to using the current formula of the low achievers, 33 percent are poor and 67 percent are not poor.

Dr. **Ambach**. Which study is that?

Mr. **Quie**. According to a participation study prepared by Decima Research, Santa Ana, California. You would have to go up to 150 percent of poverty to get a majority of those who were poor and non-poor. If you go up to 200 percent you get 64 percent poor and 36 percent who are not poor by the school lunch definition.

The Stanford Institute analysis suggests if we went to achievement data instead of the poverty factor, large cities and suburbs would end up with more money, medium cities and rural areas would end up with less money. This seems to be just the reverse of what you indicated from Albany County, although I recognize Albany County doesn't necessarily mean only Albany is urban, you have the suburban areas around that.

The other thing I would venture and you ought to take a look at, if you suggest we have a higher level of poverty than the present one you like, then you would have a substantial shift of money to the southeast.

However, if you used AFDC as you suggest, only, then there would be a substantial shift of the money to the northeast. However, we don't have any idea what new welfare reform is going to do with regard to when you go national on that, the number of people who are in poverty.

Let me ask, do you believe that a poor person, not receiving AFDC, is less likely to have educationally disadvantaged or underachieving children than another person not receiving AFDC but making the same amount of money?

Dr. **Ambach**. The question is whether they are likely to have different educational needs?

Mr. **Quie**. That is right.

Dr. **Ambach**. My opinion would be probably slightly different needs, but not great because of the combination of factors.

Mr. **Quie**. Then it seems to me as you commented in your large general statement, there was a movement of money from 1974 to 1976 to the large cities. It may be that we are making it more equitable in 1974 than in 1976. On page 3 of your large statement, you listed the large cities and how much more money was involved. The opinion of this committee was if we continued on the old formula we would largely direct the money to the larger cities. But if our concern was for all disadvantaged children in the country, it was fairer the way we moved, as unfair as it.

You went through a litany on formulas which were unfair, I believe it was even more unfair prior to our changing of it. I don't believe necessarily being on AFDC is the cause of it. If low income is the cause it doesn't make any difference where the money comes from.

Dr. **Ambach**. We have a difference of opinion as to the desirability of the shift in 1974. We opposed it at that time and we continue to oppose it. As to where the concentration should be is amply displayed on page 3 which displays our belief as to what the concentration of funds should be.

Mr. **Quie**. Then you ought to run alongside a listing of low achievers and the school districts where there was a dramatic shift the other way and determine whether they have, in fact, lower achievers. That was the trouble we had in 1974, we had to get the committee to back up and take a look at the kids instead of where they were going to get the most money.

On the annual update, do you have any idea how much that would cost?

Dr. **Ambach**. Nationwide?

Mr. **Quie**. Yes.

Dr. **Ambach**. I don't have any estimate now but if we can possibly work one up and provide it to the committee, we would be pleased to do so.

Mr. **Quie**. It is my recollection it would be approximately $15 million.

Dr. **Ambach**. I simply don't know. Again I would be pleased to make a check for you if you like.

Mr. **Quie**. If we give you authority to distribute the money in New York, would you then make shifts in your State formula, so that those school districts for which the program is skewed, would you be able to shift the money into the poorer districts?

Dr. **Ambach**. If we had the authorization to distribute the funds, our recommendation would be the Title I funds continue to be focused on the basis of the distribution on proverty levels.

Mr. **Quie**. So you would want to be able to shift the Federal money?

Dr. **Ambach**. In fact, I think the distribution of the Federal money would stay very close to the distribution we have currently, within schools, within project areas there might be a shift with respect to smoothing out some of the problems on the relative percentages of poor children, but the distribution among poorer districts would be approximately the same.

Mr. **Quie**. Right now, there is no percentage allocation of money which goes to the district between the schools within the district.

You use the determination on poverty as to whether they are a target school or not but you don't distribute the money within a project area?

Dr. **Ambach**. Yes, we do. Within a school district there are project areas. There are several buildings within a project area. Funds are distributed not on achievement areas. We don't reach the achievement point until we are in a building.

Mr. **Quie**. The NIE made a study which indicated your statements are not correct.

Dr. **Ambach**. I am describing for you the technique now followed in distribution of Title I funds.

Mr. **Quie**. As the attendance increases in one attendance area, they indicate they lose money. It is done on achievement rather than the number of poverty children.

Dr. **Ambach**. Is this an unpublished report?

Mr. **Quie**. It is to be published soon.

Dr. **Ambach**. I can't comment on it without seeing it.

Mr. **Quie**. You take the number of eligible children in each of the target schools and distribute it proportionately.

Dr. **Ambach**. Among buildings.

Mr. **Quie**. Even though you don't use the money necessarily for the poor within the buildings. You use the money for the low achievers within the building.

Dr. **Ambach**. I might point out, and very important with respect to this distribution, once you have identified by the poverty factors, the building, the project area and the building, I can assure you, that at that point, and we have done some studies to make a study as to the relevant distribution by poverty factors. The two factors have a correlation of about 0.93. If you are distributing on the basis of achievement, you are distributing on poverty, and that's about 0.93.

Mr. **Quie**. That is going child by child?

Dr. **Ambach**. Yes.

Mr. **Quie**. I would like to see one of those studies, because that would be one of the first which indicates that.

Dr. **Ambach**. Once you have narrowed it down by indicators, then when you look at the correlation between achievement and poverty, it is extremely high.

Mr. **Quie**. How did you determine the income?

Dr. **Ambach**. Looking primarily at the school lunch program and AFDC.

Mr. **Quie**. Let me indicate that the Decima Research Study shows that of the total number of students that exist in schools 5.5 percent are poor in Title I and other compensatory education programs and 9.7 percent of the program are in Title I and compensatory education programs.

Dr. **Ambach**. Is that nationwide?

Mr. **Quie**. That's right. So, of the total number of students, there are 15.2 percent, according to this study, in Title I and other compensatory education programs. Of the total, 5.5 percent in the compensatory education are poor and 9.7 are non-poor. That's where you get the figures of the low. We are not talking about the low achievers; 33 are poor and 67 percent are not poor, which means we want to see your study if there is that close a correlation.

Dr. **Ambach**. I would appreciate seeing reference to that study so when we provide you with our information it would be in the context of that study.

Mr. **Quie**. Would you also furnish for us, as I have seen in Maryland, Florida and Pennsylvania, how you are selecting the schools in the Title I target areas. It looks to me, under the regulations, only those which have a higher incidence than the district average should be Title I evidence. There are schools which have a lower percentage than the average in the district and I would like to see what New York has.

Dr. **Ambach**. I will be pleased to provide that.

Mr. **Kildee**. I think it is apparent that the Chair believes the minority should be heard.

We have an awkward situation. We have four other witnesses and the full committee will be meeting at 10 o'clock. If you would like to summarize in any order, you may please.

STATEMENT OF EDWARD KELLER, DEPUTY EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS

Mr. **Keller**. I am Mr. Keller, Deputy Executive Director, National Association of Elementary School Principals, an organization of approximately 25,000 school principals.

Our offices are at 18 North Moore Street, Arlington, Virginia.

I will be extremely brief in my comments. I would refer you to our written testimony. We only submit at this time reference to Title I and to the consolidation simplification proposals, because we, too, are most interested in having an opportunity to review the study data from the NIE compensatory study data and we prefer to have an opportunity to submit written testimony after we have a chance to review that data. We do feel, however, there should be some opportunity, somewhere in this country, on an optional basis authorized by Congress, for a school district or a State, to have an opportunity to commingle funds, activities, evaluations and reporting requirements in a specific reporting program such as the improvement of reading achievement. We feel, somewhere let us find out if we can do this without violating all kinds of territorial guidelines which exist.

In consolidation, our association is strongly in favor of concepts expressed in Senate 170, we are strongly in favor of optionality factor incorporated in that legislation. There would be a number of benefits for cost effectiveness of a variety of organizations. We also feel through this support or optionality that our association takes, there may be also some value in utilizing some of the concepts in Representative Quie's proposal, H.R. 7571, on an optional basis, before any nationwide mandate would be improved. The NIE compensatory education study deals in part with the issue of distribution of funds based on educational achievement, we do think it would be valuable for the committee, for us and everyone in education and I guess outside of it, to take a look at these studies before we come up with any definitive recommendations which might cause us to put our foot in our mouth in view of existing data.

[The prepared statement of Edward Keller follows].

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
1801 NORTH MOORE STREET, ARLINGTON, VIRGINIA 22209 • 703/528-6000

STATEMENT OF
NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
CONCERNING

H.R. 15
TO EXTEND FOR FIVE YEARS
CERTAIN ELEMENTARY AND
SECONDARY EDUCATION PROGRAMS

SUBMITTED TO
SUBCOMMITTEE ON
ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION
OF THE
HOUSE EDUCATION AND LABOR COMMITTEE
September 22, 1977

Presented by

Dr. Edward Keller, Deputy Executive Director
National Association of Elementary School Principals

Thank you Mr. Chairman.

My name is Edward Keller. I am the Deputy Executive Director of the National Association of Elementary School Principals, an organization composed of over 25,000 elementary and middle school principals interested in better serving the elementary school principal, the elementary school principalship, and most importantly, the elementary school child. Our offices are located at 1801 North Moore Street, Arlington, Virginia.

We appreciate this opportunity to share with you our comments and suggestions relative to reauthorization of the Elementary and Secondary Education Act. We will limit our comments at this time to two issues: Title I and Consolidation.

Title I

While there are a number of significant issues in reauthorization of Title I, we are reluctant to offer recommendations for major alteration in the current program at this time. It is our understanding that the Compensatory Education Study directed by Congress and conducted by the National Institute of Education will be submitted to Congress shortly. The data available in that study could serve as a solid base for the development of alternatives in Title I. Not having yet seen the data and feeling that recommendations supported by soon-to-be-available data would better serve the interests of this Committee, we respectfully request the opportunity to submit additional written testimony after we have reviewed these data.

We do feel, though, that restrictions should be changed in order to permit Title I services to follow the child.

We would also support increased research into what programs in Title I have proved successful and why, as well as the logical follow-through activity of dissemination and diffusion of successful Title I programs.

Another area which we would encourage this Committee to consider seriously is an opportunity, perhaps on some optional, well-evaluated basis, for local and state agencies to commingle funds, activities, evaluations, and reporting requirements in a specific functional program, such as the improvement of reading achievement. Obviously strong maintenance of effort language and prohibition against supplanting would have to be a part of such an option. All agencies involved could receive the same program evaluation report and all could claim responsibility for program successes. Such an option would seem to provide for greater concentration of existing resources and thus have more significant impact on improving the lot of the educationally disadvantaged.

Consolidation and Simplification

Previous to this session, almost every consolidation proposal called for a block grant consolidation of funds and programs. These proposals also were mandatory, permitting little flexibility in phase-in time nor providing certain safeguards as to maintenance of effort by potential recipients.

A major exception to these proposals is the Optional Educational Simplification Act, S 1780, cosponsored by a bipartisan group of senators. Developed by Senators Domenici and Bellmon, this bill would permit states to select the current categorical procedure or to utilize a functionally consolidated approach explicated in the bill. Rather than repeat here much of the very supportable rational for the bill, we have attached a summary of the bill and a letter sent to Senator Domenici from NAESP Past President Bertha Maguire.

Federal legislation seems to have a history of being enacted to assure compliance by the least potentially successful actor. When considering legislation requiring state action, many times, it appears, Congress enacts bills which attempt to ensure that the least effective state will perform satisfactorily, thereby creating unnecessary strictures for states with competent departments of education. Options are reduced in favor of similarity. Thus, with every recipient required to perform in exactly the same way, no opportunity is available for the variation that might discover new and improved means of delivering educational services.

We believe that S 1780 grants this opportunity. There are a number of states with differing capabilities, state-funded programs, and successful experiences in utilization of federal funds. Given the chance to mold these efforts into a single thrust in a given program area, such as improved reading performance, states could increase significantly, we believe, their impact on program effectiveness.

The coordination possible in such a proposal could also have the added benefit of reducing paperwork, requirements, in applications, records, and evaluations, savings which could be passed on through the improvement of direct services to children and youth.

The Congress, too, would benefit from such an optional simplification proposal. With some states opting for simplification and others maintaining categorical operations, cost-effectiveness evaluations could take place before a mandate for all states to follow a particular methodology was adopted. Among those states selecting the simplification option, there are likely to be some variations which could also be evaluated. Thus, Congress would be able to ascertain which programs and what types of state/national partnerships seem to be most productive for children and youth.

The potential of option versus mandatory legislation for carefully examining state and local agency implementation of federal purposes makes it a highly desirable form for further consideration. Such a concept could be applied to procedural considerations in amending PL 94-142, the Education for All Handicapped Children Act and to Rep. Quie's proposal, HR 7571, for Title I funding based on achievement test scores rather than on poverty criteria. Data from the current NIE study will also assist in such a consideration.

Because we thought it important that the Committee have the opportunity to review our Association's Platform, Resolutions, and Positions for Legislative Action, they appear as appendices to this testimony.

We respectfully further request that we be granted an opportunity to submit additional written testimony at a later date, after we have reviewed the Compensatory Education Study and have received further information from our membership survey.

Thank you again for this opportunity to appear before the Committee and to present our testimony relative to HR 15. We look forward to continuing opportunities to work with the Committee on legislation that will assist in the improvement of educational opportunities for boys and girls.

APPENDIX A - NAESP Platform and Resolutions

APPENDIX B - NAESP Positions for Legislative Action

POSITIONS FOR LEGISLATIVE ACTION

(Adopted April, 1976)

General Principles

The NAESP believes that all legislation should incorporate the following basic principles:

1. Availability and applicability of programs without discrimination on the basis of race, creed, color, ethnic origan, age or sex.

2. Involvement of elementary school principals in the planning, development, implementation and evaluation of all programs directly or indirectly dealing with the elementary school child.

3. Limited control of federally funded programs by federal agencies, with flexibility, authority, and accountability for determination and achievement of specific objectives resting with state and local educational agencies.

4. Guaranteed due process rights for students, parents and federal, state and local education agency personnel.

5. Appropriation of sufficient funds to implement all programs authorized by the federal government.

Career Education

The NAESP supports legislation and agency rules and regulations which:

1. Define career education as that process which develops an appreciation, awareness and preparation for work.

2. Provide that career education be accomplished through a process of infusion into the total curriculum.

3. Provide substantial in-service opportunities for teachers and principals.

4. Provide direct and meaningful involvement of principals in the planning, developing, implementing and evaluating of career education programs.

5. Fund career education sufficiently to guarantee opportunity to achieve success in meeting career education program objectives.

Child Nutrition

The NAESP supports legislation and agency rules and regulations which:

1. Allow each elementary school child the opportunity to participate in a free or economical lunch program.

2. Continue opportunities to participate in the school breakfast program.

3. Provide full financial support for these programs and for necessary staff, equipment, and facilities.

Child Welfare

The NAESP supports legislation and agency rules and regulations which:

1. Guarantee student and parent due process and privacy rights, including the rights of the individual regarding the collection, retention, and use of personally identifiable information in data banks.

2. Strengthen state and local programs for control, treatment and rehabilitation of juvenile delinquents.

3. Assist schools in providing delinquency prevention programs and alternative learning programs.

4. Separate status offenses from criminal offenses and provide differential recording, processing, adjudication and treatment for juveniles committing offenses in these categories.

5. Mandate the reporting of suspected neglect and abuse of children, including psychological as well as physical abuse.

6. SUPPORT THE MAINTENANCE OF DISCIPLINE IN THE SCHOOLS AND STUDENTS' RIGHT TO LEARN WITHOUT UNDUE INTERFERENCE OF THEIR EDUCATIONAL GROWTH BY SERIOUSLY DISRUPTIVE STUDENTS.

Curriculum

The NAESP supports legislation and agency rules and regulations which:

1. Maintain that the determination of curriculum content and methodology is properly the responsibility of local school systems.

2. Establish conversion of the measurement system of the United States to the metric system.

3. Maintain or expand the Right to Read effort.

4. Establish reading, writiug and mathematics as priorities in any comprehensive education program.

5. Encourage but do not mandate programs in such areas as consumer education, environmental education, arts in education, family living, law and political education and lifetime physical activities.

Equal Opportunity

The NAESP supports legislation and agency rules and regulations which:

1. Guarantee due process for all persons.

2. Provide viable means of providing quality integrated education for all students.

3. Support affirmative action programs.

4. Require non-discrimination in implementation of programs and employment of personnel.

5. Support and sufficiently fund required programs in bilingual education.

6. Support cultural pluralism and multiethnicity in curriculum.

7. Guarantee equal opportunity for access to housing.

8. Assure voting rights for all citizens.

9. Guarantee equal rights for women and seek the elimination of sex stereotyping.

10. Provide funds to assist public school districts in emergency [illegible] desegregation activities.

Federal Aid to Education

The NAESP supports legislation and agency rules and regulations which:

1. Express the national concern that each child be provided an equal opportunity and services for good education.

2. Compensate for disparities in the needs, effort capacity, and resources of the states and territories of the United States and subdivisions thereof and the District of Columbia.

3. Provide adequate procedures for the determination of equity in the distribution of funds which seek to alleviate disparities.

4. Provide an immediate increase in the level of expenditures for operational purposes.

5. Ensure maintenance of state and local policy [illegible].

6. Assure [illegible] districts receipt of general revenue sharing funds.

7. Make [illegible] aid equitable.

Legal Status of Administrators

The NAESP supports legislation and agency rules and regulations which:

1. Identify, clarify, and establish the legal status of the school administrator, particularly the school principal.

2. Strengthen the rule of the elementary school principal in decision-making.

3. Provide job security and prevent the transfer or removal of school administrators within school districts without just cause or due process.

4. Provide for extended employment contracts after a suitable probationary period.

National Institute of Education

The NAESP supports legislation and agency rules and regulations which:

1. Reauthorize the NIE for at least three years.

2. Assure the primary functions of NIE as basic research in education and dissemination of the findings.

3. Strengthen dissemination activities, including the involvement of professional associations.

Professional Negotiations

The NAESP supports legislation and agency rules and regulations which:

1. PROVIDE THAT FINAL DETERMINATION OF PROFESSIONAL NEGOTIATION LAWS AND PROCEDURE AFFECTING PRINCIPALS AND OTHER EDUCATIONAL PERSONNEL BE DETERMINED BY EACH STATE.

2. Grant all school employees collective bargaining rights.

3. Specify the right to bargain for building principals.

4. Provide impasse resolution machinery.

5. Prohibit strikes and establish, as a viable alternative to the strike, compulsory, binding arbitration of all issues under impasse on a last best offer, issue by issue basis.

6. Provide funds and programs for the training and employment of arbitrators to specialize in education sector arbitration.

8. Allow greater flexibility in utilization of Title I funds.

9. Establish and maintain orderly cash flow procedures.

10. Provide for advance funding of federal programs.

11. Provide for the continuation and maintenance of programs of local school districts when unable to provide adequate funding by the state at the termination of the program.

12. Provide for complete funding of federal programs.

13. Provide general funding of federal programs with minimum guidelines.

Federal Data Requirements

The NAESP supports legislation and agency rules and regulations which:

1. Guarantee involvement of elementary school principals in planning a realistic and achievable schedule for timely reports and in planning the report forms themselves.

2. Consolidate, simplify and reduce the total data requirements under federal law and regulation.

Governance of Education

The NAESP supports legislation and agency rules and regulations which:

1. Include elementary school principals as members-designees of advisory councils and commissions.

2. Include an opportunity for elementary school principals to participate in shared decision-making at local, state and national levels.

3. Establish a Department of Education headed by a cabinet-level Secretary.

Health and Safety Education

The NAESP supports legislation and agency rules and regulations which:

1. Establish programs to encourage the development of sound health habits in children.

2. Provide adequate regulation of manufacture, advertising or sales to protect children against preventable hazards.

3. Expand public health services to schools.

4. Expand health education programs and provide necessary support personnel.

Special Education

The NAESP supports legislation and agency rules and regulations which:

1. Insure financial support for an educational program to meet the unique needs of each exceptional child.

2. Include the concept of "mainstreaming" for exceptional children.

3. Provide funds for staff development.

Standards

The NAESP supports legislation and agency rules and regulations which:

1. Provide funds for [illegible] and professional [illegible] develop and [illegible]

2. Establish [illegible]

3. [illegible] of [illegible]

4. [illegible]

5. Prohibit [illegible]

6. [illegible] of [illegible]

SUMMARY OF THE PROVISIONS OF THE PROPOSED NATIONAL EDUCATION FUNDING SIMPLIFICATION ACT, SPONSORED BY SENATOR PETE V. DOMENICI AND SENATOR HENRY BELLMON

Purpose: To reorganize, simplify, deregulate, and consolidate certain elementary and secondary education programs in order to provide improved State and local administration of Federal education programs for the States that choose the consolidated option authorized by this Act. The Act permits greater flexibility in the use of funds, reorganizes and consolidates programs by educational functions and by populations to be served, simplifies the categorical requirements, and authorizes States to develop regulations for compliance with the Act.

Authorizations: The separate authorizations contained in the programs consolidated by this Act will remain in force. This Act authorizes States to use their allocations from appropriations for these programs according to the functional reorganization and consolidation. In addition, new authorizations are contained, including an additional authorization of ten percent of allocations for a supplemental grant which can be used by a state for any of the purposes contained in the Act. Authorization for a one time State planning grant for those States interested in the consolidated option is included at 1% of the State's allocation under categorical programming.

Distribution: The allotment of funds to States and the distribution by States to local education agencies is established so that States and local education agencies are entitled to at least the amount under reorganization that they would have received under categorical assistance.

State and Local Requirements: This bill provides for a four-year needs assessment and comprehensive program plan with an annual update to be developed by the States and each local education agency. Provisions are made for participation in planning by all agencies, organizations and individuals in the State interested in Federal educational programs. The use of Federal funds must be coordinated with the use of State and local funds for similar purposes.

The States will be required to perform an annual fiscal audit, an annual evaluation and an annual report to the Commissioner of Education. The Office of Education is responsible for program monitoring and technical assistance to States while

States perform the same services to local education agencies. Also provided are enforcement procedures, civil rights requirements, and participation of non-public school children.

The supplementary nature of Federal education programs is preserved for all programs consolidated by the Act. Excess cost provisions are included for programs for educationally deprived children, handicapped children, and bilingual children. Maintenance of effort is assured by Title on either an aggregate or per pupil expenditure basis from non Federal funds derived by the State and local education agencies.

Title I - Special Educational Needs

Part A Educationally Deprived Children

Sec. 101 - Consolidates ESEA Title I
Sections 103, 123, and 126

Sec. 102 - Consolidates Headstart and Followthrough

Sec. 103 - Migrant Education

Part B Handicapped Children

Consolidates authorizations under Part B of the Education of the Handicapped Act as amended including Sec. 611 and 619, ESEA Title I Sec. 121 and ESEA Title IV Sec. 403 (a) (3) (8).

Part C Children with limited English Speaking Ability

Consolidates ESEA Title VII, Sec. 703 (c) of the Emergency School Aid Act, and the bilingual authorization in the Vocational Education Act.

Title II - Vocational and Adult Education and Training

Part A Consolidates all Parts of the Vocational Education Act of 1963

Part B Consolidates programs under the Adult Education Act, that portion of ESEA Title I, Sec. 123 as relates to Adult Education and Sec. 405 of ESEA Title IV

Part C Provides a bonus for cooperative funding and administration with CETA prime sponsors of training programs.

Title III - Special Curriculum Projects

Part A Libraries and Learning Resources under ESEA Title IV, Part B

Part B Consolidates Innovation and Support authorized under ESEA Title IV, Part C with Guidance and Counseling from ESEA Title IV, Part B, the Environmental Education Act, the Alcohol and Drug Abuse Education Act, ESEA Title IX as relates to Ethnic Heritage, Title V of the Higher Education Act relating to Teacher Corps, and ESEA Title VII relating to the National Reading Improvement Program. Programs from the Special Project Acts will be included in the consolidation in fiscal year 1979 and thereafter including Sec. 403 relating to metric education, Sec. 404 relating to gifted and talented children, Sec. 406 relating to career education, Sec. 408 relating to women's educational equity, and Sec. 409 relating to arts in education.

Title IV - General Provisions

Contains administrative requirements and authorization for Planning Grants and for a Supplemental Grant.

NATIONAL ASSOCIATION OF
ELEMENTARY SCHOOL PRINCIPALS,
Arlington, Va., February 23, 1977.
Hon. PETE V. DOMENICI,
U.S. Senate,
Dirksen Building,
Washington, D.C.

DEAR SENATOR DOMENICI: On behalf of the National Association of Elementary School Principals, I want to commend you for your leadership in [illegible] the [illegible] and awesome task of [illegible] and effective [illegible] federal partnership in education funding and [illegible]. Your proposed legislation, the "Optional Educational Simplification Act," [illegible] toward making that [illegible] and a productive one for students of [illegible].

We have greatly appreciated the opportunities to work with you and [illegible] on this legislation. [illegible] with those in [illegible] [illegible] [illegible] [illegible].

Your bill [illegible] positions on federal aid to education. It [illegible] [illegible] [illegible] provides [illegible] consolidation [illegible] flexible [illegible] [illegible] be [illegible].

The NAESP [illegible] [illegible] [illegible] in education [illegible] support [illegible] [illegible].

Again, we [illegible] you for [illegible] this [illegible] for [illegible] to share its growing pains with you, and for your continuing efforts to [illegible] the federal role in a [illegible] state and local educational agencies.

We look forward to working with you as the bill moves through the legislative process.

Sincerely yours,
BERNARD C. MAIER [illegible],
President.

November 1976

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS

NAESP PLATFORM

The NAESP Platform is a compilation of past NAESP Resolutions. Although condensed and regrouped, all statements are drawn from resolutions approved by the membership.

The NAESP Platform is not debatable or amendable by the Delegate Assembly. It is reviewed and updated each year by the Resolutions Committee on the basis of newly approved resolutions.

Any delegate desiring to modify the NAESP Platform may do so by securing approval of a resolution that introduces a new subject or modifies a statement in the current Platform.

PLATFORM

CONTENTS

Preamble.................................... 1
Focus on the Child.......................... 1
Student Rights and Responsibilities.......... 2
Compulsory School Attendance................ 2
Student Records............................. 2
Corporal Punishment......................... 3
Child Neglect and Abuse..................... 3
Lunch Program............................... 3
School Busing............................... 3
Standardized Intelligence Tests............. 4
Standardized Achievement Tests.............. 4
Relevancy in the Curriculum................. 4
Mass Media.................................. 5
The Arts in Education....................... 5
Mainstreaming............................... 5
Bicentennial Commemoration.................. 6
Multi-Ethnicity............................. 6
English as a Second Language................ 6
Venereal Disease............................ 6
Teacher Requirements in the Language Arts and Communications Skills................. 7
Accountability.............................. 7
Accreditation of Elementary Schools......... 7
Importance of the Principalship............. 7
The Elementary Principal as the Instructional Leader..................... 8
Role of Principal in Teacher Evaluation...... 8
Administrative Team......................... 9
Continuity of Educational Leadership......... 9
Legal Status of the Principal............... 9
Declining Enrollment........................ 9
Membership Participation in Associations..... 10
Relationship with Other Education Groups..... 10
Cooperation Among Administrator Groups....... 10
Retired Elementary School Principals......... 11
Human Relations............................. 11
Professional Discrimination................. 11
Discriminatory Practices.................... 11
Affirmative Action.......................... 12
Educator Mobility........................... 12
Energy Crisis............................... 12
Code of Ethics.............................. 12
Parent-Teacher Groups....................... 13
School and Community Relationships........... 13
Community Schools........................... 13
School Advisory Committees.................. 14
Violence and Vandalism in the Schools........ 14

Merit Pay.................................. 14
Differentiated Staffing..................... 14
Staff Development.......................... 15
Teacher Aides.............................. 15
Evaluation of Professional Services.......... 15
Principal Evaluation....................... 15
Middle Schools............................. 16
Professional Negotiations.................. 16
Association and Employment Freedom
of Choice................................ 17
Sanctions and Work Stoppages................ 17
American Overseas Schools.................. 17
Financial Support for Education............. 18
Public Monies for Public Schools............ 18
Contribution of Nonpublic Schools........... 18
Communication and Relationship Between Public
and Nonpublic School Administrators........ 18
Copyright Law Revision...................... 19
Voting Rights Act of 1965................... 19

PLATFORM

Preamble

NAESP pledges the allegiance of its membership to the American democratic way of life and the esteem that it accords the individual. The Association firmly believes that a sound educational program is indispensable to protect and strengthen this fundamental concept. The security of this nation demands education for all children, that they may be prepared for the duties of citizenship and qualified to accept its opportunities and responsibilities. The Association holds that educational opportunity offers the greatest assurance for the attainment of national strength and for the preservation of our American ideal of individual freedom.

The Association affirms its respect for the dignity and worth of every individual and maintains that the purpose of the elementary school is to provide optimum personal development for all. It is the conviction of this organization that the basic skills of learning are fundamental to education, but more that the basic essentials are necessary for individual and national progress. Provision must be made for improving all aspects of human development. The growth of desirable social traits requires attention. Aesthetic, moral, and spiritual values need to be strengthened. Creative talents must be nurtured. Critical thinking must be fostered. Economic and vocational education should be provided. We, as elementary school principals, are pledged to assist in providing educational programs that will challenge youngsters to develop the full extent of their abilities and aptitudes.

The members of the Association are convinced that the elementary school has a distinctive role in the education of the American citizenry. The unique characteristics of the educational institution demand that any changes in its practices consider the population for which it has been designed.

We feel assured that the citizens of this country desire and will provide the finest education attainable if they are fully apprised of the goals to be achieved. ('61, '62)

Focus on the Child

NAESP believes that the total child is the focal point of the educational process. It is the responsibility of the elementary school principal to direct all available skills and resources toward helping each child develop a positive self-image and strengthen his feelings of self-worth so that he may experience success in society.

The Association believes that the primary focus in elementary education should be on learning rather than teaching, on pupils rather than teachers, and that the professional assessment of the product of the schools should be multi-dimensional.

The Association also believes that the total development of the child is of mutual concern to parents, classroom teachers, superintendents, and supervisors, as well as principals. This concern serves as a common bond. Therefore, the Association urges all groups involved in the educational process of the elementary school child to work in professional unity toward the development of the total child and to provide opportunities for him to realize his capabilities to the fullest. ('71, '72)

Student Rights and Responsibilities

The exercise of student rights and responsibilities is an important part of the student's total education since it equips him to function effectively in a democratic society.

Our Association strongly supports the rights of students to due process in circumstances where they may be suspended or expelled from schools and believes that elementary school principals must be involved on the local level to assist boards of education in the design of discipline policies that will ensure due process and humane treatment of all students. ('75)

Therefore, NAESP urges that elementary schools provide students the opportunities that foster an awareness and an application of students' rights as citizens and of their accompanying responsibilities. ('73)

Compulsory School Attendance

The belief that an educated citizenry is essential to a democratic society has been the foundation for legislation which requires children to participate in formal schooling. Schooling which is relevant to contemporary needs continues to be as critical for all children today as it has been throughout America's history. Therefore,

NAESP believes that the beginning of formal schooling must be related to a child's needs. These needs relate to the psychological, physical, social and economic influences that the child has experienced.

NAESP also believes that prior to termination of formal schooling, alternate programs must be available to enable students to make a smooth transition into society.

NAESP urges elementary principals to be involved in the development of programs and guidelines for both the beginning and termination of formal schooling for all children. ('76)

Student Records

NAESP believes in the principle that record keeping is an essential part of the educational process in fulfilling the educational goals and objectives of the local school district and in promoting the welfare of pupils.

The Association further believes that elementary school principals should take a leadership role in their local district in the development of guidelines to ensure that student records will be kept with professional objectivity and that they contain only responsible and documented information. ('75)

Corporal Punishment

In light of recent Supreme Court decisions upholding the use of corporal punishment in the schools, NAESP strongly urges elementary school principals to become involved on the local level to assist boards of education in the design of discipline policies that are educationally sound. ('76)

Child Neglect and Abuse

NAESP believes that state and local leaders must take immediate steps to seek solutions to the increasingly serious problem of child neglect and abuse. We encourage school personnel and social, medical, religious and other agencies to share in this responsibility by joining together in cooperative efforts to alleviate this growing social problem. ('74)

Lunch Program

NAESP believes that each elementary school child should be assured the opportunity to participate in a free or economical lunch program. However, the guidelines and screening procedures for free lunch participation in the program are inadequate and inconsistent.

Therefore, the Association recommends that the membership contact the appropriate state and federal legislators to: 1) urge that existing guidelines and procedures be studied and improved to allow for an equitable determination of recipients, and 2) request that sufficient state and federal monies be provided to support this program. ('73)

School Busing

NAESP believes that the busing of children for the purpose of deliberately mixing school populations is a relevant issue for principals. However, the Association is convinced that what happens to children after they arrive at school is the important consideration, and that largely depends on the principal and the direction of his leadership.

Therefore, the Association urges all elementary school principals to develop programs and activities that teach children to admire and respect the differences as well as the likenesses of each other, and to help others understand that education is more than academic achievement. ('72)

Standardized Intelligence Tests

NAESP believes that children have diverse talents and abilities that the schools should nurture. We further believe that many current practices of intelligence testing are damaging to children and the educational process and strongly urge schools to discontinue the indiscriminate use of group I.Q. tests. ('72, '76)

Standardized Achievement Tests

NAESP believes that the public, and especially educators, parents, and children, needs fair and effective assessment processes that can be used for diagnosing and prescribing for the needs of children.

NAESP views with growing concern the misuse of and dependence on standardized achievement tests. Because of serious defects in both the content and design of the current tests, NAESP believes that the profession needs to place a high priority on developing and putting into wide use new processes of assessment that are fairer and more effective than those currently in use and that more adequately consider the diverse talents, abilities, and cultural backgrounds of children.

NAESP also believes that assessment results reported to the public must include explanatory material that details the limitations inherent in the assessment instruments used and that educational achievement must be reported in terms broader than single-score national norms, which can be highly misleading.

NAESP urges that to dispel the unnecessary secrecy surrounding the tests, the full contents of all standardized tests in use be made public and easily accessible to parents, educators, and children so that all citizens will have an opportunity to understand and review the tests.

Finally, the Association urges it members to resist individually and to encourage their local, state, and national associations to resist any use of standardized testing for purposes that cannot benefit the child. ('72, '76)

Relevancy in the Curriculum

The demands placed on education today require a flexible and viable curriculum.

The NAESP recommends the creation and implementation of instructional programs that provide for optimum growth for the children of our society. The Association commends those elementary education programs that have addressed themselves to the following:

Libraries and Instructional Materials Centers ('65)
Family Life Education ('70)
Drug Abuse Education ('70)
Special Education ('60)
Reading ('70, '72)
Ecology ('70, '71)
Head Start ('67)
Kindergarten ('60, '62)
Early Childhood Education ('68)
Career Education ('73)
Metric Education ('74)

Mass Media

The mass media--particularly television--exercises a pervasive influence on children and society and for this reason has a powerful potential for being a positive educational force. Unfortunately, much of the content of the mass media is superficial with an unnecessary emphasis on violence. NAESP implores the media and the public to recognize the consequences of such forces and to accept an obligation to bring about constructive, accurate, and well-balanced presentations. For this reason, the Association recommends that schools, in cooperation with parents and other concerned citizens, seek to influence the policies followed by the mass media.

NAESP is particularly concerned that schools have devoted so little attention to using both commercial and public television as a powerful teaching device and to helping students become discriminating viewers. The Association urges educators to take the impact of the media--particularly television--on children into greater account in the school program and to place far more emphasis on assisting youngsters to become critical viewers, listeners, and readers. ('76)

The Arts in Education

NAESP is concerned that arts programs are often inadequately funded in schools today and frequently the area of the curriculum most vulnerable to budget cuts. The Association believes that the arts are a functional part of the broad vocational demands of our society and therefore reaffirms the belief that the arts should be an integral part of the basic curriculum. The Association urges educators and schools to integrate the arts more fully into the educational program as a valuable means of revitalizing the content of all subject matter areas and also as a means of revitalizing the teaching process itself. ('76)

Mainstreaming

NAESP reaffirms its respect for the worth of the individual. It holds that in a democratic society each child must be given the opportunity for self-realization.

The Association urges school systems to provide alternate educational programs that will permit all children to develop their abilities and aptitudes to the fullest extent.

NAESP believes that orderly plans should be developed to provide instruction for exceptional children in the mainstream of education to the degree that these children can function successfully without disruption to other students, thus allowing them to seek success in a natural rather than an isolated environment where possible.

NAESP reaffirms its stand that principals must provide the primary leadership in development, implementation and supervision of programs for exceptional children. ('76)

Bicentennial Commemoration

NAESP believes that the observance of the Bicentennial anniversary of the founding of the United States provides a unique opportunity for teaching American values and the historical events of our great country. It further believes that the commemoration must include a study of the great contributions made to the development of this nation by all people; e.g., Native Americans, Black Americans, Spanish-surnamed Americans, and Oriental Americans.

Therefore, NAESP urges that elementary school principals pledge their support to initiate, cooperate, and actively participate in the celebration of the anniversary by involving students, teachers, parents, and the school community in linking the past, present, and future through programs and activities. ('75)

Multi-Ethnicity

NAESP believes that there is a need for the creation and development of a curriculum that will correct the misconceptions, distortions, and omissions as to the contributions of those groups of color who inhabit our country, specifically the contributions of the Native Americans, Black Americans, Spanish-surnamed Americans, and Oriental Americans. To implement this curriculum, staff development programs must be instituted for all educators.

The Association urges state and local associations to lead the way in assuring that the opportunity of a multi-ethnic curriculum is provided to every child and that staff be provided the necessary professional development programs to enable them to effectively implement a multi-ethnic curriculum in their schools. ('74)

English as a Second Language

NAESP recognizes that there are children in elementary schools who are unable to communicate in English as a second language.

NAESP strongly recommends that elementary school principals exert their leadership at the local and state levels to assist in the design and development of programs in English as a second language. The Association further recommends that elementary school principals be involved in the establishment of objectives to meet the educational needs of these students throughout the school program. ('75)

Venereal Disease

NAESP is alarmed at the increasing incidence of venereal disease among the citizenry in all spectrums of our society, especially teenagers.

The Association strongly recommends that local school districts reassess their Family Life Education programs in order to determine the inclusion and the effectiveness of that aspect of the curriculum designed to promote a greater understanding and prevention of this social problem. ('73)

Teacher Requirements in the Language Arts and Communications Skills

NAESP believes that in order to be an effective elementary teacher one must have specific and concentrated training in:

1. The scope and sequence of skills to be taught in language arts;
2. Techniques of instruction;
3. Methods of diagnosis and remediation of language problems, and supervised practical experiences in classrooms.

We urge that these be requirements for certification and be implemented in all teacher training institutions for the benefit of students and teachers.

The Association recommends that the state boards of education review or, if necessary, create language arts requirements for elementary teacher certification, with a major emphasis on reading and communications skills consistent with the importance of language arts in all school programs. ('74)

Accountability

NAESP recognizes and supports the basic concept of accountability in the elementary schools. NAESP believes that, in order to see accountability become a positive force for the good of youth, educational objectives which include affective and cognitive components should be created in all local districts, and urges all elementary school principals to be involved in the creation of specific educational objectives.

NAESP also believes that all persons, agencies, and governing bodies related to a child's growth and development must be jointly accountable for the education of the child. NAESP urges elementary school principals across the nation to assist in the development of accountability models within their state and local districts which reflect this philosophy. ('70, '74)

Accreditation of Elementary Schools

While NAESP insists that equality of educational opportunity must be provided for every child, we are concerned that such equality will not exist until local school systems determine programs in terms of children rather than money, political expediency, and the preferences of individuals or small coalitions.

Accordingly, the Association urges that minimum standards must be developed by which all elementary school programs will be measured, the ultimate goal being systemwide accreditation and recognition of elementary schools that meet the criteria. ('72)

Importance of the Principalship

The expanding role of elementary school principals demands a high level of professional preparation and continuing growth. NAESP strongly supports the efforts of those institutions that are developing improved procedures for strengthening educational leadership. The Association further believes that the preparation, certification, selection and inservice development of elementary school principals should be a cooperative effort on the part of elementary school principals, preparation institutions, and appropriate local and state agencies.

The Association recommends that elementary school principals should have not less than a master's degree, including courses in psychology, sociology, human relations, and other behavioral sciences, as applied to their work with children, parents, teachers, and others in the school setting. Furthermore, it is essential that the principal shall have had successful teaching experience in elementary schools.

The Association commends state boards of education for their cooperation with local school boards and school administrators in setting up certification and accrediting programs that increasingly assure a qualified elementary school principal, in training and experience, for every elementary school.

We further commend local boards of education and superintendents who encourage the professional leadership of the principal by releasing him from regular classroom teaching assignments and by providing him with secretarial help and adequate facilities.

The NAESP research study of the assistant principalship establishes that the assistant principalship is a major training ground for future elementary school principals. It reveals that opportunities for effective developmental experiences and internship experiences should be improved. ('54, '72)

The Elementary Principal as the Instructional Leader

NAESP believes that the elementary school principal is the primary instructional leader in the school community in which he serves. The importance of this leadership will be fully appreciated when it is recognized that the future literacy level of our society is dependent on the strengths of our elementary schools. Because of the magnitude of this responsibility, it is imperative that the elementary school principal have authority in the decision-making process as it involves personnel assignment, expenditure of funds, discipline, curriculum design, evaluation, and all other decisions affecting his/her role.

The Association directs its Board of Directors, and urges all national, state, and local associations to take appropriate steps through seeking legislative action to secure or to halt any erosion of the authority of elementary school principals. ('74)

Role of Principal in Teacher Evaluation

The evaluation of teacher performance is a vital part of instructional improvement in the elementary school.

NAESP believes that the elementary school principal, as the primary instructional leader in the school community, must be responsible for continuous teacher evaluation. ('76)

Administrative Team

Each community has a right to demand quality leadership from the total administrative staff. The administrative team concept is a promising approach for providing this leadership. The administrative team, consisting of elementary school principals and other administrators, is a formally constituted de jure body of administrators who exercise collaboratively all the administrative functions: goal setting, organizing, planning, communicating, decision making, coordinating, and evaluating. However, with rare exceptions, it does not direct programs within specific administrative jurisdictions. NAESP believes this concept is more than an organizational system for shared management and decision making. It establishes a humanistic climate in which people are able to experience a feeling of belonging and a sense of identity.

The Association strongly urges that the administrative team concept be adopted in each school system to facilitate the formulation, implementation, and attainment of systemwide goals. ('73)

Continuity of Educational Leadership

NAESP believes that effective leadership is dependent on job security and protection of the rights and personal welfare of the educational leader. These elements will provide the school principal with the freedom necessary to carry out professional responsibilities without fear of reprisal from chief school administrators, classroom teachers, and members of the community.

The Association urges that action be taken by local, state, and national administrators' associations to seek legislation that will provide job security for school principals and will prevent the transfer or removal of principals within school districts without just cause or due process. ('72)

Legal Status of the Principal

The role of the elementary school principal has become increasingly complex and undefined. Therefore, there is a need in many states for legislation to identify and clarify the legal status of the school principal. In states where legal status is not clearly defined, NAESP recommends that state and local associations begin immediately to work for the introduction and passage of legislation that would give legal status to all school principals.

The Association also calls on its Board of Directors and staff to take immediate steps to work jointly with NASSP and other appropriate organizations in giving impetus and guidance to state and local associations on this matter so that future legislation does not impair any rights already in effect for principals. ('74)

Declining Enrollment

NAESP is cognizant of the emerging problem of declining enrollment and budget reductions in some localities and that solutions to these problems could have considerable impact on the future of a local school district.

The Association further recognizes that some reduction in personnel, space, services, curriculum offerings, and financial support may be realistic, but that proportionate reductions in these areas are not necessarily inherent with declining enrollments.

Therefore, NAESP urges elementary school principals to be involved in careful planning with the board of education, staff, parents and interested members of the community to meet the challenge of declining enrollments and reduced budgets and to devise alternative ways of utilizing staff to better meet the needs of students and local school programs before making staff reductions. ('74, '75)

Membership Participation in Associations

NAESP believes that every elementary school principal has the right and obligation to participate fully in the Association. Each active member should have: a) the same opportunity to hold office and to otherwise serve in elected or appointed capacities, and b) access to due process procedures to resolve alleged grievances.

The Association reaffirms its position that associations based on ethnic distinctions should be abolished wherever they exist. Single professional associations of elementary school principals at every level have the greatest potential for achieving the goals of the profession and meeting the needs of the individual members. The Association has adopted a policy that precludes the scheduling of future NAESP annual meetings in any state in which dual associations based on ethnic distinctions exist. ('63, '67)

Relationship with Other Education Groups

NAESP maintains that its paramount function is to intensify its efforts and to concentrate resources to assist the elementary school principal in improving the competencies needed to fulfill his professional responsibilities. As the Association strives to accomplish its goals and purposes, it needs to work with other educational groups in areas of common interests while preserving the Association's identity and autonomous stature.

Therefore, the Association believes it is essential to enlist support and action from interested educational groups as it works toward improvement of education and professional unity. ('73, '74)

Cooperation Among Administrator Groups

In an effort to promote the accomplishment of common goals and objectives of NAESP, NASSP, AASA, and ASBO, NAESP encourages the appointment of a committee to study the creation of a process and/or structure that will assure greater cooperation among the organizations. The Association believes that active members should serve on the Committee and that the autonomy of each association must be preserved. ('74)

Retired Elementary School Principals

NAESP is aware of the growing number of principals who retire from active employment each year. We are of the opinion that these former educators should be encouraged to continue participation in professional activities of principals' associations.

Therefore, the Association calls on all elementary school principals' associations to appoint study committees to explore and to formulate means whereby retired elementary school principals can continue to make a definite and useful contribution to the field of education. We also ask local and state associations to report to the national officers on the steps taken so that new and attractive plans can be given widespread distribution. ('72)

Human Relations

The National Association of Elementary School Principals reaffirms its respect for the dignity and worth of every individual. The primary purpose of education must be to provide for the optimum development of each student regardless of ability, past experiences, race, or social and economic status.

In view of the elementary school's unique capacity to provide significant and broad experiences in human relations, the Association strongly urges increased efforts to develop more positive relationships and attitudes among educators, children, and parents toward members of minority groups.

Elementary school principals must lead the way in developing programs aimed at creating constructive and cooperative relationships among all people. Such programs should involve parents, teachers, and students in establishing realistic goals and objectives to facilitate improved self-concepts and in developing understanding and positive regard for others. ('70, '71, '72)

Professional Discrimination

NAESP points out that the recognition of the importance of elementary education has led to the abolishment of most compensation differentials between elementary and secondary professional educators, one exception being elementary school principals.

NAESP strongly urges that all discriminatory practices be ended and that compensation of all principals be based primarily on professional preparation and experience. ('76)

Discriminatory Practices

NAESP emphasizes its dedication to the principle of equal rights and the elimination of prejudice, bigotry, and discrimination in classroom assignments, school admission practices, professional association membership, and appointment or promotion to elementary school principalships and other administrative positions. ('70, '71, '72, '73)

Affirmative Action

NAESP supports the development of local plans for implementation of affirmative action as suggested within guidelines established by federal legislation.

These plans must contain equal opportunity for the employment and training of all individuals, e.g., minorities, women, the handicapped, in all categories of school district employment.

NAESP recommends that elementary school principals be actively involved in developing and carrying out local affirmative action plans. ('75)

Educator Mobility

NAESP recognizes the high rate of mobility among today's citizens and that educators constitute a large segment of this mobile population. The Association further realizes that as educators move from state to state they may lose certification, retirement, and many other benefits.

Therefore, the Association urges its Board of Directors and state and local associations to promote national reciprocal agreements to effect an exchange of full benefits and certification and to seek legislation, where necessary, to secure such reciprocity. ('74)

Energy Crisis

NAESP is vitally concerned over the national problems related to the energy crisis. It is the position of the Association that schools (prekindergarten through twelfth grade) and hospitals should have the highest federal, state, and local priority for fuel oil, gasoline, and other energy supporting commodities.

The Association feels strongly that the curriculum should focus on the conservation of energy and encourages elementary school principals across our nation to take leadership roles in their local and state communities in helping to accomplish this. ('74)

Code of Ethics

NAESP recommends that codes of ethics be formulated by local and state principals' associations in order to aid elementary school principals in better administering the schools in an ever changing society, in relating more effectively to their responsibilities as educational leaders, and in acting in a manner that upholds the honor and dignity of their profession. We call on local and state associations of principals to prepare statements defining their obligations to children, staff, public, and profession. ('63, '70, '71)

Parent-Teacher Groups

Many educators and members of the general public, especially parents, have long been aware of the necessity for close working relationships to advance the educational opportunities and the welfare of all children. To this end, parent-teacher groups throughout the nation have demonstrated their effectiveness in supporting elementary education and in building strong public understanding of it.

NAESP firmly believes that the parent-teacher partnership is a unique and vital feature of American education and that there is a need for parent-teacher organizations in every elementary school. Leaders of such organizations, working with educators, should have a part in the solution of problems that ultimately affect the welfare of all elementary school children.

The Association reaffirms its faith in the organized parent-teacher partnership and urges all of its members to reexamine the current situation in their own schools and to take immediate steps, if necessary, toward revitalizing and extending the effectiveness of parent-teacher groups. ('63, '72)

School and Community Relationships

NAESP believes that the elementary school principal occupies a unique position in the structure of education--a position that affords him opportunity for direct contacts with the people in his community. Each principal should keep the community aware of the dynamics of the instructional program and of the role of education in a free society. Thus, the elementary school principal must assume the responsibility for interpreting the school program through techniques that will involve the interest, participation, and support of the public.

While the Association believes that the control of American public schools rests basically with the people of our communities and states, principals should guard against the pressures of special interest groups that cannot be reconciled with the best interests of all children and the betterment of education. ('55, '62)

Community Schools

The community school presents an opportunity for people of all ages to more fully utilize existing school facilities and community resources by providing instructional and recreational programs that reflect the needs and interests of the community.

NAESP recommends that principals provide leadership and actively support coordinated local efforts to establish community schools. ('73)

School Advisory Committees

NAESP believes in the value of all school related groups; parents, teachers, students, support staff, and community groups, assisting in the formulation of goals, objectives, and processes for determining a local school's program. We believe guidelines for such groups should be established that maintain the advisory nature of that input; reserving the decision-making function to the administrative personnel and the elected board of education. ('76)

Violence and Vandalism in the Schools

NAESP believes that meaningful education can take place only in an environment conducive to learning. The Association recognizes that many schools are disrupted as a result of vandalism, fear of intimidation, assault and injury to students and staff from forces both within and outside the school.

We further recognize that significant public expenditures are needed to implement and maintain security systems. We further suggest that sufficient funds be authorized to repair or replace facilities and materials destroyed by vandalism.

NAESP urges all persons, agencies, and governing bodies to jointly accept a role in the elimination of these problems. ('76)

Merit Pay

NAESP believes that systems of merit pay do not work because of the many inequities and difficulties encountered in establishing, implementing and maintaining meaningful measurable criteria. We also believe that merit pay plans are often devisive and counter productive.

The Association maintains that if the overall objective of merit pay is the improvement of performance, school systems might accomplish this goal more readily by exploring better methods of selective recruitment, a probationary period where helpful guidance and satisfactory working conditions exist, and a reasonable salary scale and retirement system. ('76)

Differentiated Staffing

NAESP believes that a major responsibility of the elementary school principals is to devise a more creative and imaginative deployment of staff--both professional and nonprofessional.

The Association recommends that specialized positions be recognized that facilitate the accomplishment of our educational goals. ('70)

Staff Development

NAESP recognizes the desirability for continuous inservice education for all personnel involved in the education process. Professional growth will be the responsibility of the individual and the school district. Opportunities for significantly upgrading personnel competencies should be provided during the contractual year in order to cope with the rapidly changing needs in education.

Therefore, the Association requests that local school districts examine the effectiveness of their inservice education programs to determine the need and provide for additional, meaningful, mutually developed, and well-financed staff development opportunities. ('73)

Teacher Aides

NAESP firmly believes that teacher aides can play an important role in enhancing and individualizing the instructional process. The Association believes that such supportive personnel should be deployed in a nonteaching capacity by assisting the teacher in the performance of instructional responsibility.

The Association strongly urges its membership to assure that teacher aides work under the direct supervision of teachers, but that aides do not diagnose, prescribe, or formally evaluate the work of children. ('73)

Evaluation of Professional Services

Evaluation of professional performance is a necessary tool for improving the instructional program. NAESP believes that each principal should assume major responsibility in the evaluation of his own professional services.

The Association firmly believes that it must play a leadership role in finding ways by which a more objective means for evaluation can be accomplished and calls on all local and state organizations to join in the effort. ('72)

Principal Evaluation

NAESP believes that meaningful evaluation of elementary school administrators is essential to effective leadership.

Therefore, NAESP urges its members to work for state legislation and school district policy which:

1) Provide for the reviews of authoritative research that form the basis for principalship evaluation.

2) Establish procedures to guarantee the clarification of purposes.

3) Offer explicit methods and procedures (spelled out) to guard professionally against use of unfair evaluation programs, patterns or procedures.

4) Advocate steps to be taken to keep principalship evaluation separate from other operational functions.

5) Assure that all "job actions" (non-renewal of contract, termination or promotion) must be supported by the results of the evaluation procedure. In such cases the administrator's strengths and weaknesses must be stated clearly and objectively.

6) Encourage evaluative programs, patterns and processes to be used primarily as a means for growth and development.

7) Guarantee due process in every facet of evaluation. ('76)

Middle Schools

NAESP acknowledges the middle school organizational pattern as an established plan on the educational scene and recognizes the similarities of middle and elementary schools' philosophy and goals.

Therefore, the Association must develop programs that encourage the middle school principal to become a contributing NAESP member in order to provide greater articulation and communication in the fulfillment of educational objectives. The Association further urges that state and local elementary school principals' associations encourage middle school principals to become members. ('73)

Professional Negotiations

NAESP believes that the process of professional negotiations is an essential part of educational decision making, particularly concerning the condition of professional service. Many of these negotiated agreements yield decisions that have serious impact on the educational programs for which principals are held accountable. It is, therefore, axiomatic that principals should have a role in the negotiations process in order to capitalize on their unique perspective of the complex factors in elementary education. While the role of the principal will vary somewhat because of local circumstances, in no case should the competence and responsibility of the principal be ignored.

Principals, as professional specialists, have the right to have their unique conditions of service represented by their own spokesmen in the negotiations process. The Association recommends that boards of education formally recognize the representatives selected by principals in all negotiations dealing with the professional service of principals.

Furthermore, the Association urges that boards of education support and defend principals who are faced with grievance procedures, charges, pressures, and allegations that stem from negotiated agreements. ('70, '71, '72)

Association and Employment Freedom of Choice

NAESP encourages educational personnel to join and participate in organizations of their choice. The Association respects the right of each individual to choose organizations that have goals and objectives representative of the best interest of the profession and the individual.

NAESP believes that the union security practices of closed shop, union shop and agency shop are contrary to the democratic concept of our inalienable right to freedom of choice and ultimately result in a negative and disruptive influence on the educational community.

Therefore, the Association urges local and state governing bodies to protect the right of an individual to join and participate in educational organizations while at the same time ensuring that all individuals have the right not to join or participate if they so choose. ('76)

Sanctions and Work Stoppages

In an effort to produce changes in school systems, education associations have applied sanctions and, on occasion, strikes and other work stoppages. Such work stoppages should not and cannot be condoned because of their harmful effects on students, on the morale of teachers, and on the image of teachers held by most members of the general public. We believe that impasses in employment can be avoided or quickly overcome by use of mediation and arbitration.

If the schools are threatened with a work stoppage, the administrative team has an obligation to remain on the job to protect the students who report to school, to maintain communication with the community among parents, school personnel, the public, and, through reasonable methods, to protect school property. A decision to keep the schools open under educationally unsound or unsafe conditions, however, cannot be condoned.

We urge state legislatures, in states lacking the desirable legislation, to enact laws that will require peaceful mediation and/or arbitration of the grievances of school personnel and, at the same time, maintain operation of the regular school programs. ('71, '72)

American Overseas Schools

Children in American sponsored overseas schools are entitled to the same quality educational instruction and leadership as the children in the continental United States.

Therefore, NAESP recommends that the membership encourage local and state authorities to enable and encourage teachers and administrators to serve in American sponsored overseas schools without loss of tenure and other fringe benefits. ('73)

Financial Support for Education

NAESP has long maintained that financial support for public education must be shared by local, state, and federal governments. However, the Association urges an increase in the amount of federal support and greater flexibility in the allocation and use of federal funds, such as Revenue Sharing and Impact Aid.

While recognizing the need for reform in the methods of financing educational expenditures, the Association has grave misgivings about such proposals as educational vouchers and performance contracts. However, the Association urges states to reexamine their tax structures and revise allotment formulas to not only increase the financial support for education, but to make the financial support equitable among school districts as well. ('55, '72, '74)

Public Monies for Public Schools

Believing in the doctrine of separation of church and state as provided in our Constitution, and believing that every child and youth in our country is entitled to receive a full range of educational services which meet his or her individual needs, the Association firmly supports the position that these services should be provided within the public school system, and that neither the service nor the system should be diluted by diverting public monies to support private schools. ('70, '71)

Contribution of Nonpublic Schools

A significant number of the nation's children are being taught under nonpublic school auspices. These children are being taught by educators whose ideals, professional dedication, and educational practices are similar to those of the public school personnel.

NAESP recognizes the contribution being made by the nonpublic schools of the United States in providing for the maximum development of children so that they may function as effective citizens in our democratic society. ('72)

Communication and Relationship Between Public and Nonpublic School Administrators

In 1972 NAESP established the Committee on the Concerns of Nonpublic School Principals to advise the Association on ways to make membership more valuable to nonpublic school principals, to help identify nonpublic school members whose contributions could strengthen and enrich our programs, and to provide a structure through which this portion of our membership could express its concerns. CCNSP has sought to demonstrate that public and nonpublic school members have more areas of common interest than they have differences and that each segment should strengthen and appreciate the other.

In order to emulate this concept, the Association urges that state organizations create a similar committee to function at the state level to permit all educators to find areas of cooperative activity and mutual interest. ('75)

Copyright Law Revision

NAESP staff is directed to lobby at the national level to support the revision of the copyright law to include a "fair use" privilege to protect educators who reproduce materials for classroom instruction. The Association supports the non-profit use of a portion of copyrighted work for teaching, scholarship, and research purposes without infringement of copyright. ('74)

Voting Rights Act of 1965

Section V of the Voting Rights Act of 1965, as renewed in 1970, expires in 1975. This act has made it possible for many formerly disenfranchised persons to exercise their democratic right to vote and has helped to make some of the state legislatures and the national Congress more representative of the people.

NAESP, believing that all American citizens should enjoy the privilege of voting without fear of discrimination or reprisal, urges all members of local, state, and national associations to seek the support of their congressmen and senators for legislation to continue the provision of Section V of the Voting Rights Act of 1965. ('75)

Mr. **Kildee**. Mr. Stromer and Mr. Wilson.

STATEMENT OF STATE REPRESENTATIVE DELWYN STROMER, IOWA, AND ASSEMBLYMAN CLIFF WILSON, NEW YORK, REPRESENTING: NATIONAL CONFERENCE OF STATE LEGISLATURES

Mr. **Stromer**. We have four basic points we feel we would like to point out. We feel it possibly should be funded at a higher level and directed to communities.

Basically, we feel that Title I can be improved if the Congress will make four basic revisions in the existing program. First, it should be funded at a higher level and more funding should be directed toward communities with very high concentrations of disadvantaged children. Secondly, the administrative features of the program should be restructured to prevent large-scale segregation of Title I students in specialized programs when local educational authorities deem it best that children should receive compensatory education in the regular classroom. Thirdly, the Title I program should be revised to encourage greater funding of State-based compensatory education programs and to permit greater coordination of these parallel State and Federal programs. Finally, we believe that future Title I programs should be administered pursuant to State law which embodies the policy resolutions that are noted above. The day is long past when Title I programs should be administered only on the basis of a plan prepared by the State Department of Education with very little oversight from State legislators who are after all the State official charged with the basic State constitutional responsibility of providing adequate and equitable educational services to all the children within their State.

To expedite our presentation, I would like Assemblyman Wilson to speak about the first two points in our testimony while I will conclude with remarks on the last two areas of Title I revision.

Mr. **Kildee**. Mr. Wilson.

Mr. WILSON. I would like to very briefly summarize the two points which we submitted from the national conference.

As you know, Title I appropriations have only risen by about 48 percent since 1966, a rate which is considerably below inflationary trends since that time. Consequently, Title I appropriations were about 40 percent of authorization in 1977, and the U.S. Office of Education indicates that funds alloted under the program were sufficient to serve about 50 percent of eligible children at the local school level. While declining poverty among the general population at large has meant that the average Title I program for a served child now runs about $364 per child, most educational experts would agree that this is often not enough to permit a high-quality compensatory program, especially in schools with a large concentration of Title I eligible children. To adequately fund Title I should mean an annual Federal appropriation of about $3 billion per year and this committee should aggressively seek such a level of funding in future years ahead. For if Federal funding approximates 70 percent of authorization, State appropriations, in the aggregate, may be able to make up a significant portion of the remaining program expenditure.

In the same vein, we would recommend that the subcommittee consider adding a new funding component to the Title I program to provide for greater funding of schools with high concentrations of Title I students.

Also, as you may know, the present funding formula does not distinguish between local educational agencies that have high or low concentrations of Title I students in their pupil populations. Generally, when a school district receives Title I funds it can serve all school buildings that have a concentration of Title I pupils that is above district average. Thus, a school district which has 40 percent of its pupils in Title I status will serve all school buildings in its jurisdiction that have more than 40 percent of their students classified as Title I eligibles.

I would like to refer also briefly to mainstreaming of Title I school children. The NCSL resolution also recommends that the present law, regulations and guidelines be revised to permit the "mainstreaming" of Title I children when the local educational agency can determine and document the effectiveness of providing compensatory services in the regular classroom. Many large-scale Title I programs are delivered outside the regular classroom because the local education agency can readily show that Title I students are receiving identifiable services from Title I moneys. However, the isolation of compensatory students form their regular classmates for a large portion of the instructional day as well as the loss of their regular classroom instruction may be detrimental to Title I children that require social and educational interaction of the regular classroom.

According to data gathered by NIE in its most recent report on compensatory services, nearly 75 percent of the Title I students received reading instruction outside the regular classroom, 40 percent received language arts on a "pullout" basis and 44 percent received remedial mathematics instruction outside the normal classroom. It becomes very clear that these students are more likely to miss some or all of the regular instruction in various subjects than those compensatory students who remain in the regular classroom. More precisely, according to NIE information in the subjects for which students are receiving compensatory services, those in pullout programs are twice as likely as students in mainstreamed programs to miss regular instruction.

With your indulgence, I would like to refer briefly to the three points and a brief three-page statement which I submitted when I arrived, representing the position of the New York State-Appalachian Committee with regard to the current formula which we feel contains three variables.

There are three variables in the current formula which are especially problematic for urban States and for school districts such as New York City.

First, the elimination of Part C, special grants to urban and rural schools with high concentration of low-income children has decreased New York City's Federal aid by 7.5 million or nearly 5 percent from the 1973-74 school year allocation level. The elimination of this funding source was not compensated for by an increase in the basic allocation under Title I, A. The reduction, therefore, was consequently shifted to already strained local and State revenue resources. This redistribution of funds away from areas of high concentration contradicts one of the original goals of ESEA I.

Second, high cost/high expenditure districts such as New York City are severely penalized by the 120 percent ceiling on the payment rate provided in the formula. The New York City per pupil expenditure in 1975-76 represented over 150 percent of the national average total expenditure. This misrepresentation of program cost is compounded by the 80 percent floor provided for low expenditure States. The overall, and obvious effect of these limits is the redistribution of much-needed funds from high cost districts to low effort States.

Finally, the use of the Orshansky poverty index in deference to AFDC counts has favored low cost/low income States over industrial urbanized economics such as New York. In addition to this basic redistribution, the increased reliance on 1970 census data fails to recognize the current population realities which AFDC data would provide.

The impact of the increased weighting given the Orshansky Index over AFDC counts in 1974 plus the imposition of the 120 percent expenditure ceiling has been the reduction of the New York City allocation of Title I funds for the 1976-77 school year by over 25 percent from the 1974 amount. Other large cities in New York State such as Rochester and Buffalo have experienced similar declines in Title I funds between 1974 and 1976. These reductions have taken place during a period when the national appropriation for ESEA Title I has increased from 1.6 billion (1974) to over 2.2 billion for 1977-78 which represents a 37-percent increase in available Federal funds.

I wish to thank the subcommittee for this opportunity to provide a brief statement regarding the renewal and adjustment of ESEA Title I allocation methods.

Mr. KILDEE. Thank you, Assemblyman.

[The prepared statement of Mr. Stromer and Mr. Wilson follow:]

Title I Renewal: A New Opportunity for State-Federal Cooperation

Testimony Delivered By:
Representative Delwyn Stromer (R-Iowa)
Assemblyman Cliff Wilson (D-New York)

On Behalf of

The National Conference of State Legislatures
for the
NCSL Education Committee
Representative Tom C. Massey (D-Texas), Chairman
Assemblyman Leonard Stavisky (D-New York), Vice-Chairman
Representative Delwyn Stromer (R-Iowa), Secretary

House Subcommittee on Elementary, Secondary and Vocational Education
Education and Labor Committee
2175 Rayburn House Office Building
September 22, 1977

INTRODUCTION

CHAIRMAN PERKINS AND OTHER MEMBERS OF THE HOUSE SUBCOMMITTEE ON ELEMENTARY AND SECONDARY EDUCATION, WE ARE HERE TODAY ON BEHALF OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL) AND ITS EDUCATION COMMITTEE, CHAIRED BY REPRESENTATIVE TOM C. MASSEY, TO TESTIFY ABOUT WAYS IN WHICH STATE AND FEDERAL GOVERNMENT CAN BUILD A BETTER TITLE I COMPENSATORY EDUCATION PROGRAM AS IT COMES UP FOR RENEWAL IN THIS LEGISLATIVE SESSION.

THE BREADTH OF OUR CONCERN IS REFLECTED BY THE BIPARTISAN NATURE OF THIS TESTIMONY AND THE DIVERSE NATURE OF OUR TWO POLITICAL CONSTITUENCIES. AS SECRETARY OF THE NCSL COMMITTEE, I REPRESENT LARGELY A RURAL AREA IN NORTHCENTRAL IOWA AND AM RANKING MINORITY MEMBER OF THE IOWA EDUCATION COMMITTEE. ASSEMBLYMAN WILSON ON THE OTHER HAND IS FROM NEW YORK CITY AND ONE OF THE UP AND COMING DEMOCRATIC MEMBERS OF THE NEW YORK STATE ASSEMBLY EDUCATION COMMITTEE. WHILE WE BOTH REPRESENT DIFFERENT PARTIES AND DIFFERENT CONSTITUENCIES, WE BELIEVE THAT THE STATE LEGISLATORS THROUGHOUT THE COUNTRY ARE COMMITTED TO BUILDING A MORE EQUITABLE AND EFFICIENT TITLE I PROGRAM AND WE BELIEVE THAT THIS CAN BE BEST DONE ALONG THE LINES OF THE RECENT NCSL POLICY POSITION ON TITLE I WHICH IS ATTACHED AS APPENDIX A.

WE FEEL THAT TITLE I CAN BE IMPROVED IF THE CONGRESS WILL MAKE FOUR BASIC REVISIONS IN THE EXISTING PROGRAM. FIRST, IT SHOULD BE FUNDED AT A HIGHER LEVEL AND MORE FUNDING SHOULD BE DIRECTED TOWARD COMMUNITIES WITH VERY HIGH CONCENTRATIONS OF DISADVANTAGED CHILDREN. SECONDLY, THE ADMINISTRATIVE FEATURES OF THE PROGRAM SHOULD BE RESTRUCTURED TO PREVENT LARGE-SCALE SEGREGATION OF TITLE I STUDENTS IN SPECIALIZED PROGRAMS WHEN LOCAL EDUCATIONAL AUTHORITIES DEEM IT BEST THAT CHILDREN SHOULD RECEIVE COMPENSATORY

EDUCATION IN THE REGULAR CLASSROOM. THIRDLY, THE TITLE I PROGRAM SHOULD BE REVISED TO ENCOURAGE GREATER FUNDING OF STATE-BASED COMPENSATORY EDUCATION PROGRAMS AND TO PERMIT GREATER COORDINATION OF THESE PARALLEL STATE AND FEDERAL PROGRAMS. FINALLY, WE BELIEVE THAT FUTURE TITLE I PROGRAMS SHOULD BE ADMINISTERED PURSUANT TO STATE LAW WHICH EMBODIES THE POLICY RESOLUTIONS THAT ARE NOTED ABOVE. THE DAY IS LONG PAST WHEN TITLE I PROGRAMS SHOULD BE ADMINISTERED ONLY ON THE BASIS OF A PLAN PREPARED BY THE STATE DEPARTMENT OF EDUCATION WITH VERY LITTLE OVERSIGHT FROM STATE LEGISLATORS WHO ARE AFTER ALL THE STATE OFFICIALS CHARGED WITH THE BASIC STATE CONSTITUTIONAL RESPONSIBILITY OF PROVIDING ADEQUATE AND EQUITABLE EDUCATIONAL SERVICES TO ALL THE CHILDREN WITHIN THEIR STATE.

TO EXPEDITE OUR PRESENTATION, I WOULD LIKE ASSEMBLYMAN WILSON TO SPEAK ABOUT THE FIRST TWO POINTS IN OUR TESTIMONY WHILE I WILL CONCLUDE WITH REMARKS ON THE LAST TWO AREAS OF TITLE I REVISION.

REVISED TITLE I FUNDING POLICIES

THE TITLE I PROGRAM REQUIRES THE SINGLE LARGEST FEDERAL APPROPRIATION FOR ELEMENTARY AND SECONDARY EDUCATION. IT HAS ALWAYS BEEN AND PROBABLY WILL CONTINUE TO BE THE MOST IMPORTANT FEDERAL EDUCATION AID PROGRAM. IT WAS ENACTED WHEN ONLY ONE OR TWO STATES HAD COMPENSATORY EDUCATION PROGRAMS AND IT CONTINUES TO BE JUST ABOUT THE ONLY SOURCE OF COMPENSATORY EDUCATION MONIES IN STATES THAT HAVE NOT YET ALLOTED FUNDS FOR THIS SPECIFIC PROGRAM.

HOWEVER, TITLE I APPROPRIATIONS HAVE ONLY RISEN BY ABOUT 48 PERCENT SINCE 1966, A RATE WHICH IS CONSIDERABLY BELOW INFLATIONARY TRENDS SINCE

THAT TIME. CONSEQUENTLY, TITLE I APPROPRIATIONS WERE ABOUT 40 PERCENT OF AUTHORIZATION IN 1977, AND THE U.S. OFFICE OF EDUCATION INDICATES THAT FUNDS ALLOTED UNDER THE PROGRAM WERE SUFFICIENT TO SERVE ABOUT 50 PERCENT OF ELIGIBLE CHILDREN AT THE LOCAL SCHOOL LEVEL. WHILE DECLINING PROVERTY AMONG THE GENERAL POPULATION AT LARGE HAS MEANT THAT THE AVERAGE TITLE I PROGRAM FOR A SERVED CHILD NOW RUNS ABOUT $364 PER CHILD, MOST EDUCATIONAL EXPERTS WOULD AGREE THAT THIS IS OFTEN NOT ENOUGH TO PERMIT A HIGH-QUALITY COMPENSATORY PROGRAM, ESPECIALLY IN SCHOOLS WITH A LARGE CONCENTRATION OF TITLE I ELIGIBLE CHILDREN. TO ADEQUATELY FUND TITLE I SHOULD MEAN AN ANNUAL FEDERAL APPROPRIATION OF ABOUT $3 BILLION PER YEAR AND THIS COMMITTEE SHOULD AGRESSIVELY SEEK SUCH A LEVEL OF FUNDING IN FUTURE YEARS AHEAD. FOR IF FEDERAL FUNDING APPROXIMATES 70 PERCENT OF AUTHORIZATION, STATE APPROPRIATIONS, IN THE AGGREGATE, MAY BE ABLE TO MAKE UP A SIGNIFICANT PORTION OF THE REMAINING PROGRAM EXPENDITURE. (SEE TABLE 1).

IN THE SAME VEIN, WE WOULD RECOMMEND THAT THE SUBCOMMITTEE CONSIDER ADDING A NEW FUNDING COMPONENT TO THE TITLE I PROGRAM TO PROVIDE FOR GREATER FUNDING OF SCHOOLS WITH HIGH CONCENTRATIONS OF TITLE I STUDENTS.

THIS COMMITTEE IS WELL AWARE THAT THE PRESENT FUNDING FORMULA DOES NOT DISTINGUISH BETWEEN LOCAL EDUCATIONAL EDUCATION AGENCIES THAT HAVE HIGH OR LOW CONCENTRATIONS OF TITLE I STUDENTS IN THEIR PUPIL POPULATIONS. GENERALLY, WHEN A SCHOOL DISTRICT RECEIVES TITLE I FUNDS IT CAN SERVE ALL SCHOOL BUILDINGS THAT HAVE A CONCENTRATION OF TITLE I PUPILS THAT IS ABOVE DISTRICT AVERAGE. THUS, A SCHOOL DISTRICT WHICH HAS 40 PERCENT OF ITS PUPILS IN TITLE I STATUS WILL SERVE ALL SCHOOL BUILDINGS IN ITS JURISDICTION THAT HAVE

Table 1

Comparative Title I Appropriations
1966-1977

Year	Dollar Appropriation Total Part A for LEAs	Appropriation As a % of Authorization LEA/Total Part A	Average Cost Per LEA Child	No. Children Participating At LEA Level
1966	$ 1,164,529,100	100%	$ 141.42	8,234,560
1970	1,219,165,528	50.96	161.99	7,526,321
1974	1,446,152,668	42.44	237.07	6,100,000
1977	1,721,130,372	39.34	364.26	4,725,000

Source: U.S. Office of Education

MORE THAN 40 PERCENT OF THEIR STUDENTS CLASSIFIED AS TITLE I ELIGIBLES. A SCHOOL DISTRICT WITH ONLY 5 PERCENT OF ITS STUDENTS ELIGIBLE FOR TITLE I WILL BE ABLE TO SERVE ALL SCHOOLS WITH MORE THAN 4 PERCENT OF ITS STUDENTS IN A TITLE I STATUS. THUS, THE PRESENT FUNDING FORMULA MEANS THAT CHILDREN IN A HIGH CONCENTRATION SCHOOL, USUALLY IN LARGE URBAN AND DEPRESSED RURAL AREAS OFTEN HAVE LESS PROBABILITY OF RECEIVING TITLE I FUNDS THAN CHILDREN IN SCHOOL DISTRICTS WITH LOWER OVERALL TITLE I PUPIL POPULATIONS. THE SPECIFICS OF THIS PROBLEM ARE DEALT WITH IN CONSIDERABLY MORE DETAIL IN THE FORTHCOMING TESTIMONY BY THE EDUCATION COMMISSION OF THE STATES TO BE DELIVERED BY STATE SENATOR JEANETTE REIBMAN BEFORE THIS COMMITTEE ON SEPTEMBER 27TH.

TITLE I FUNDS, WE REITERATE, MUST BE FOCUSED ON SCHOOL UNITS WITH LARGE CONCENTRATIONS OF TITLE I STUDENTS. WHILE ALL TITLE I CHILDREN SHOULD ULTIMATELY BE SERVED BY THE PROGRAM, IT WOULD BE UNWISE TO NEGLECT THE NEEDS OF TITLE I CHILDREN IN THE URBAN AND RURAL AREAS WHERE LARGE NUMBERS OF THESE CHILDREN HAVE TO BE SERVED. MOREOVER, A RECENT NCSL STUDY OF THE 1970-1975 ENROLLMENT AND FISCAL CHANGES IN THE 90 LARGEST URBAN SCHOOL DISTRICTS IN THE COUNTRY INDICATES THAT COMPENSATORY EDUCATION PROBLEMS ARE BECOMING MORE SEVERE IN THESE AREAS AND MORE FEDERAL ATTENTION MUST BE PAID TO THE PLIGHT OF DISTRICTS WITH HIGH CONCENTRATIONS OF TITLE I CHILDREN.

WITHOUT GOING INTO TOO GREAT DETAIL ABOUT THIS STUDY WHICH WE WILL SHORTLY PROVIDE TO THE MEMBERS OF THE COMMITTEE, IT SHOWS THAT MINORITY CHILDREN ARE CONTINUING TO INCREASE IN THE CITIES OF THIS COUNTRY. SPANISH-SPEAKING CHILDREN, MANY FROM POVERTY FAMILIES, ARE A GROWING PART OF CITY

SCHOOL POPULATIONS AND WILL INCREASE THE NEED FOR TITLE I PROGRAMS FOR THEIR SPECIAL EDUCATIONAL NEEDS. CITY TAX BASES ARE STAGNATING OR DECLINING AND THERE SEEMS LITTLE LIKELIHOOD THAT CITIES ON THEIR OWN CAN FIND THE ADDITIONAL LOCAL FUNDS FOR COMPENSATORY EDUCATION.

BETWEEN 1970 AND 1975, HOWEVER, COMBINED STATE AND FEDERAL EDUCATION AID DID EASE THE FISCAL PRESSURE ON BIG CITY SCHOOL FINANCES. THE LOCAL SHARE OF CURRENT EXPENDITURES IN THE 89 LARGEST SCHOOL DISTRICTS IN THE COUNTRY DROPPED FROM 62.5 PERCENT IN 1970 TO 55.0 PERCENT IN 1975. IN MINNEAPOLIS IT DROPPED FROM 73 PERCENT TO 54 PERCENT -- A PRODUCT OF THE MAJOR SCHOOL FINANCE REFORM ADOPTED BY THAT STATE IN 1971. SIMILAR LARGE REDUCTIONS OCCURRED IN CHICAGO, DES MOINES, SEVERAL LARGE OHIO CITIES, AND A NUMBER OF MAJOR CALIFORNIA URBAN CENTERS. IN STATES WHERE FISCAL PRESSURES HAVE PREVENTED NEW STATE APPROPRIATIONS FOR SCHOOL AID, AND NEW YORK IS ONE OF THESE STATES WE FIND THAT THE CONDITION OF LOCAL SCHOOL FINANCES SIMPLY DO NOT PERMIT LOCAL UNITS TO MEET THE COMPENSATORY EDUCATION NEEDS OF THEIR STUDENTS. (SEE TABLE 2).

WHILE WE DO NOT HAVE AS COMPLETE INFORMATION ON SMALL RURAL SCHOOL UNITS THROUGHOUT THE COUNTRY, WE FEEL THAT MANY OF THESE SCHOOL DISTRICTS FREQUENTLY HAVE LARGE CONCENTRATIONS OF POVERTY CHILDREN AND WOULD ALSO BENEFIT FROM MORE FUNDS BEING TARGETED ON HIGH CONCENTRATION SCHOOLS.

MAINSTREAMING THE TITLE I CHILD

THE NCSL RESOLUTION ALSO RECOMMENDS THAT THE PRESENT LAW, REGULATIONS AND GUIDELINES BE REVISED TO PERMIT THE "MAINSTREAMING" OF TITLE I CHILDREN WHEN THE LOCAL EDUCATIONAL AGENCY CAN DETERMINE AND DOCUMENT THE EFFECTIVENESS OF PROVIDNG COMPENSATORY SERVICES IN THE REGULAR CLASSROOM. MANY LARGE-SCALE

Table 2

Fiscal Characteristics of Selected Large City School Units 1970-1975

City	Local School Taxes As Percent of Current Expenditure Per Pupil 1970	Local School Taxes As Percent of Current Expenditure Per Pupil 1975	Percent Changes From 1970-1975: Current Exp./Pupil	Percent Changes From 1970-1975: School Taxes Pupil	Percent Changes From 1970-1975: State Aid Pupil	Percent Changes From 1970-1975: Federal Aid Pupil	Percent Changes From 1970-1975: Valuation Pupil
Des Moines	72.5%	57.0%	49.2%	17.3%	110.8%	136.4%	55.5%
Minneapolis	72.8	54.2	94.8	45.2	183.7	235.2	267.4*
St. Paul	55.3	45.5	99.2	63.8	128.8	173.3	237.0*
Cleveland	73.7	61.7	50.2	25.7	141.0	240.8	12.1
Los Angeles	82.9	65.3	65.5	30.7	93.2	234.8	34.3
National Average of 89 Large City School Districts	62.5	55.0	69.5	48.9	101.7	176.0	69.4

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*A major revaluation of property took place in these cities during 1970-1975.

Source: Published and unpublished data from the National Center of Educational Statistics, the U.S. Bureau of the Census, and Moody's.

TITLE I PROGRAMS ARE DELIVERED OUTSIDE THE REGULAR CLASSROOM BECAUSE THE LOCAL EDUCATION AGENCY CAN READILY SHOW THAT TITLE I STUDENTS ARE RECEIVING IDENTIFIABLE SERVICES FROM TITLE I MONIES. HOWEVER, THE ISOLATION OF COMPENSATORY STUDENTS FORM THEIR REGULAR CLASSMATES FOR A LARGE PORTION OF THE INSTRUCTIONAL DAY AS WELL AS THE LOSS OF THEIR REGULAR CLASSROOM INSTRUCTION MAY BE DETRIMENTAL TO TITLE I CHILDREN THAT REQUIRE SOCIAL AND EDUCATIONAL INTERACTION OF THE REGULAR CLASSROOM.

ACCORDING TO DATA GATHERED BY NIE IN ITS MOST RECENT REPORT ON COMPENSATORY SERVICES, NEARLY 75 PERCENT OF THE TITLE I STUDENTS RECEIVED READING INSTRUCTION OUTSIDE THE REGULAR CLASSROOM, 40 PERCENT RECEIVED LANGUAGE ARTS ON A "PULLOUT" BASIS AND 44 PERCENT RECEIVED REMEDIAL MATHEMATICS INSTRUCTION OUTSIDE THE NORMAL CLASSROOM. IT BECOMES VERY CLEAR THAT THESE STUDENTS ARE MORE LIKELY TO MISS SOME OR ALL OF THE REGULAR INSTRUCTION IN VARIOUS SUBJECTS THAN THOSE COMPENSATORY STUDENTS WHO REMAIN IN THE REGULAR CLASSROOM. MORE PRECISELY, ACCORDING TO NIE INFORMATION IN THE SUBJECTS FOR WHICH STUDENTS ARE RECEIVING COMPENSATORY SERVICES, THOSE IN PULLOUT PROGRAMS ARE TWICE AS LIKELY AS STUDENTS IN MAINSTREAMED PROGRAMS TO MISS REGULAR INSTRUCTION.

WHILE THE "PULLOUT" COMPENSATORY STUDENT IS DISADVANTAGED BY MISSING THE REGULAR CLASSROMM INSTRUCTION, WE RECOGNIZE THAT STUDENTS RECEIVING COMPENSATORY INSTRUCTION IN A PULLOUT PROGRAM OFTEN RECEIVE THEIR INSTRUCTION FROM A SUBJECT AREA SPECIALIST. AGAIN THE NIE SURVEY INDICATES THAT MOST TEACHERS PROVIDING COMPENSATORY INSTRUCTION IN PULLOUT PROGRAMS HAVE SOME ADVANCED TRAINING BEYOND A BACHELOR'S DEGREE AND A LARGE PERCENTAGE HAVE AT

LEAST A MASTER'S DEGREE. 1/

THE NIE SURVEY MAKES IT CLEAR THAT WHILE SCHOOL DISTRICTS HAVE THE CHOICE OF PROVIDING TITLE I SERVICES WITHIN OR OUTSIDE THE REGULAR CLASSROOM, MANY MAY CHOOSE THE SEGREGATED SETTING SINCE THEY DESIRE TO AVOID AUDIT EXCEPTIONS THAT MAY BE BROUGHT AGAINST THEM UNDER THE SUPPLANTING PROVISIONS OF TITLE I LAW. WE BELIEVE, HOWEVER, THAT IT WAS THE CONGRESS' INTENT IN TITLE I TO LEAVE THESE SORT OF PROGRAM DECISIONS TO LOCAL EDUCATORS WHO, WITH THE COOPERATION OF PARENT GROUPS, COULD DETERMINE THE BEST MEANS OF DELIVERING COMPENSATORY EDUCATION SERVICES TO THEIR STUDENTS. CLEARLY, LOCAL EDUCATION AGENCIES SHOULD NOT BE FORCED TO PROVIDE TITLE I SERVICES IN A SEGREGATED SETTING AS A RESULT OF TITLE I LAW OR REGULATION WHEN DELIVERY OF THESE SERVICES IN A "MAINSTREAMED" SETTING COULD BE MORE BENEFICIAL TO THE CHILD. CONSEQUENTLY, THIS COMMITTEE SHOULD TAKE STEPS TO END THIS SITUATION WHERE ITS EXISTS AND IS DETRIMENTAL TO THE TITLE I CHILD.

COORDINATING STATE AND FEDERAL COMPENSATORY EDUCATION PROGRAMS

AT LEAST 19 STATES HAVE SOME FORM OF FUNDING DIRECTED TO LOCAL SCHOOL DISTRICTS TO HELP THEM DEAL WITH COMPENSATORY EDUCATION PROGRAMS OR TO FINANCE A GREATER SHARE OF THEIR SCHOOL FINANCE COSTS THAT OCCUR AS A RESULT OF HAVING LARGE CONCENTRATIONS OF TITLE I CHILDREN. CLEARLY STATES HAVE NOW BEGUN TO EMBARK ON PROVIDING MORE FUNDING FOR THE COMPENSATORY EDUCATION CHILD.

THE EXTENT OF STATE INVOLVEMENT IN COMPENSATORY EDUCATION SHOULD BE HEARTENING TO THIS COMMITTEE. THROUGH 1976, 17 STATES ACCORDING TO NIE DATA HAD DISTINCT COMPENSATORY EDUCATION FUNDING PROGRAMS. ADDITIONALLY,

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1. SEE NATIONAL INSTITUTE OF EDUCATION, COMPENSATORY EDUCATION SERVICES (WASHINGTON, D.C., 1977).

2 OTHER STATES -- MINNESOTA, AND ILLINOIS -- PROVIDE ADDITIONAL BASIC SCHOOL AID TO LOCAL DISTRICTS WITH HIGH CONCENTRATIONS OF ECONOMICALLY DISADVANTAGED STUDENTS. URBAN CENTERS IN BOTH STATES WERE, OF COURSE, THE MAJOR BENEFICIARIES OF THESE PRGORAMS. THUS, STATES IN EVER INCREASING NUMBERS ARE BEGINNING TO DEVELOP COMPENSATORY EDUCATION PROGRAMS THAT ARE USED FOR PROVIDING SPECIFIC COMPENSATORY EDUCATION PROGRAMS IN LOCAL DISTRICTS OR FOR PROVIDING MAJOR FISCAL "ADD-ONS" TO SCHOOL DISTRICTS WITH HIGH CONCENTRATIONS OF DISADVANTAGED PUPILS.

THE STATE COMMITMENT TO COMPENSATORY EDUCATION, HOWEVER, IS BEING IMPERILED BY A TITLE I LAW WHICH REQUIRES THAT STATE COMPENSATORY EDUCATION FUNDS CANNOT BE USED TO SERVE COMPENSATORY EDUCATION STUDENTS NOT RECEIVING EXISTING FEDERAL TITLE I FUNDS. ONCE AGAIN, AS IN THE CASE OF THE IMPACT AID AND HANDICAPPED EDUCATION PROGRAM, STATES ARE NOT BEING GIVEN THE OPPORTUNITY TO DESIGN THEIR COMPENSATORY EDUCATION PROGRAM AROUND THE FEDERAL TITLE I PROGRAM TO BROADEN THE SCOPE OF COMPENSATORY EDUCATION SERVICES.

CURRENT LITIGATION IN CALIFORNIA (I.E., ALEXANDER V. CALIFANO) AND RECENT INTERPRETATIONS ABOUT THE COORDINATION OF STATE AND FEDERAL COMPENSATORY EDUCATION PROGRAMS IN THE STATE OF FLORIDA [2/] MAKE IT CLEAR ONCE AGAIN THAT THERE IS LITTLE FEDERAL UNDERSTANDING OF THE NEED FOR BETTER COORDINATION OF STATE AND FEDERAL COMPENSATORY EDUCATION PROGRAMS.

IN THE CALIFORNIA CASE, A FEDERAL DISTRICT COURT HAS PREVENTED THE RICHMOND SCHOOL DISTRICT FROM COMMINGLING STATE AND FEDERAL COMPENSATORY EDUCATION FUNDS AND MAKING THEM AVAILABLE TO STUDENTS ELIGIBLE FOR COMPENSATORY

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2. AGAIN, THE ECS TESTIMONY ON THIS POINT IS MOST INSTRUCTIVE.

EDUCATION ASSISTANCE UNDER EITHER THE STATE OR FEDERAL PROGRAM. RATHER THE COURT, INTERPRETING CURRENT TITLE I LAW AND REGULATION, HAS RULED STATE FUNDS MUST BE ALLOCATED BEFORE FEDERAL TITLE I MONIES AND WITHOUT ANY ASSURANCE THAT BOTH SETS OF FUNDS WILL BE COORDINATED IN A SENSIBLE FASHION - EITHER TO SERVE MORE COMPENSATORY EDUCATION CHILDREN OR TO CONCENTRATE STATE AND FEDERAL FUNDS ON SPECIFIC "TARGET GROUPS" OF COMPENSATORY EDUCATION PUPILS. MOREOVER, THE PRESENT SITUATION MAY EVEN CONTRAVENE STATE LAW. FOR AS THE COURT NOTED IN ITS DECISION, ". . . WITHOUT QUESTION A NUMBER OF RICHMOND CHILDREN ELIGIBLE FOR STATE COMPENSATORY AID ARE PENALIZED IN THE SENSE THAT THEY RECEIVE LESS FROM THAT PROGRAM THAN THEY WOULD RECEIVE FROM IT IN THE ABSENCE OF FEDERAL TITLE I FUNDS."

CONSEQUENTLY, WE APPEAL TO THIS COMMITTEE TO REDRESS THIS COORDINATION PROBLEM IN TWO WAYS. FIRST, THE CONGRESS COULD ENCOURAGE THE ESTABLISHMENT OF MORE STATE COMPENSATORY EDUCATION PROGRAMS BY INCREASING BASIC TITLE I ALLOTMENTS TO STATES WITH SUCH PROGRAMS. THUS, STATES WOULD HAVE THE OPTION OF ENACTING THESE PROGRAMS, KNOWING THAT INCREASED FEDERAL FUNDING WOULD HELP THEM INCREASE THE LEVEL AND SCOPE OF THEIR OVERALL COMPENSATORY EDUCATION PROGRAMS.

SECONDLY, AND MORE IMPORTANTLY, HOWEVER, THE CONGRESS SHOULD REVISE THE PRESENT TITLE I PROGRAM BY PERMITTING CLOSER COORDINATION OF STATE AND FEDERAL FUNDS. IN THE CALIFORNIA APPROACH, FOR EXAMPLE, IT COULD PERMIT MORE COORDINATION WHEN IT IS CLEAR THAT THE SIZE OF THE STATE COMPENSATORY PROGRAM MEANS THAT THE COMBINED AMOUNT OF STATE AND FEDERAL FUNDS WOULD BE SUFFICIENT TO SERVE A VERY HIGH LEVEL -- SAY BETWEEN 80 TO 100 PERCENT --

OF ELIGIBLE PUPIL POPULATION.[3] IN THIS WAY, STATE AND FEDERAL PROGRAMS COULD BE COMBINED IN A SENSIBLE FASHION TO SERVE MORE COMPENSATORY EDUCATION STUDENTS. IN SHORT, COOPERATION COULD STRETCH THE FEDERAL DOLLAR, YET ALSO MAINTAIN THE CENTRAL PLACE OF THE STATE LEGISLATORS AND STATE AND LOCAL EDUCATION OFFICIALS IN THE ADMINISTRATION AND DELIVERY OF COMPENSATORY EDUCATION SERVICES. WITHOUT SUCH COOPERATION, IT IS DOUBTFUL WHETHER MORE STATES WILL APPROPRIATE FUNDS FOR THIS MOST IMPORTANT EDUCATIONAL PROGRAM.

INCREASING STATE LEGISLATIVE OVERSIGHT OF TITLE I

ANOTHER KEY IMPROVEMENT FOR THE TITLE I PROGRAM WOULD INVOLVE INCREASING LEGISLATIVE OVERSIGHT OF THE PROGRAM AT THE STATE LEVEL. THIS COULD BE ACCOMPLISHED VERY SIMPLY BY REQUIRING TITLE I PROGRAMS TO BE FUNDED, COORDINATED AND ADMINISTERED PURSUANT TO STATE LAW WHICH IS NOT INCONSISTENT WITH REVISED FEDERAL TITLE I LEGISLATION.

ALL TOO OFTEN FEDERAL EDUCATION AID PROGRAMS BYPASS THE STATE LEVEL EVEN THOUGH STATES HAVE THE PRIMARY ROLE IN FUNDING EDUCATION FOR ALL CHILDREN IN THEIR STATE. RECENT STATE AND FEDERAL COURT DECISIONS AFFECTING SCHOOL FINANCE AND THE SWEEPING SCHOOL FINANCE REFORM MOVEMENT OF THE LAST SEVERAL YEARS HAVE MADE VIRTUALLY EVERY LEGISLATOR IN THIS COUNTRY AWARE OF THE DEFECTS OF PAST FUNDING PRACTICES AND THE WAYS IN WHICH THESE DEFECTS CAN BE CORRECTED THROUGH NEW SCHOOL FINANCE LEGISLATION. STATES HAVE RESPONDED

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3. THIS IS PRECISELY THE POINT MADE IN THE RECENT NIE SPONSORED STUDY OF STATE COMPENSATORY EDUCATION PROGRAMS BY THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER THE LAW (SEE LAWYERS' COMMITTEE, *A DESCRIPTION AND ANALYSIS OF THE RELATIONSHIP BETWEEN TITLE I, ESEA, AND SELECTED STATE COMPENSATORY EDUCATION PROGRAMS* (WASHINGTON, D.C., 1977, P.40).

to the challenge of Serrano and have improved the fiscal equity of the basic school aid programs. They have more than doubled their special education appropriations since 1972 even though major federal education aid in this area is still to come. They have always provided high levels of vocational education funding, as you know. And now many states are embarked on new programs of compensatory education that, together with Title I, can improve educational services for the disadvantaged child.

As a matter of principle, however, we believe that the strongest state commitment to compensatory education is made through the state legislature. The present practice of making Title I administration and program delivery the sole province of a Title I coordinator in a State Department of Education may improve working relations between a State Department of Education and USOE, but it does little to develop better understanding of how well Title I programs are being delivered at the local level on the part of state legislators and their counterparts at the national level -- the U.S. Congress.

State Legislatures, like the U.S. Congress, have been increasing their oversight powers in recent years. Ten states now have adopted comprehensive "sunset" legislation and in four of these, sunset legislation would provide a clear-cut vehicle for evaluating the effectiveness of Title I programs. [4] A recent survey by the New York State Assembly Ways and Means Committee indicates that at least 26 states have established definite procedures for reviewing federal fund applications, and these procedures can undoubtedly be used

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[4] NCSL, Sunset Update (Denver: NCSL, April, 1977).

TO DETERMINE BETTER WAYS IN WHICH STATE AND FEDERAL EDUCATION FUNDS CAN BE COMBINED TO DELIVER MORE EFFICIENT AND EFFECTIVE COMPENSATORY EDUCATION SERVICES. STATE LEGISLATIVE STAFF, LIKE YOUR OWN, IS BECOMING MORE PROFESSIONALIZED AND MORE ABLE TO SCRUTINIZE STATE EDUCATION AGENCY POLICY IN THE COMPENSATORY EDUCATION AREA. FINALLY, MORE AND MORE STATES WILL UNDOUBTEDLY FOLLOW THE LEAD OF THE PENNSYLVANIA LEGISLATURE AND ENACT LAWS TO REQUIRE THE REAPPROPRIATION OF ALL FEDERAL FUNDS IN AN INTEGRATED STATE BUDGET PROCESS -- A GENERAL POLICY FAVORED BY THE NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL).

IN SHORT, ALL THESE TRENDS -- SUNSET LAWS, STATE LEGISLATIVE MODERNIZATION, AND STATE BUDGET REFORM -- MEAN THAT STATE LEGISLATURES ARE MORE THAN WILLING TO TAKE RESPONSIBILITY FOR DELIVERING IMPROVED COMPENSATORY EDUCATION PROGRAMS. TO REALIZE THIS POTENTIAL, HOWEVER, THE TITLE I PROGRAM MUST BE BASED ON STATE LAW AND NOT SIMPLY ON A STATE PLANNING PROCESS AS IS PRESENTLY THE CASE. THEREFORE, WE RECOMMEND THAT YOUR COMMITTEE TAKE THE APPROPRIATE STEPS TO INSURE THIS REVISION IN A NEW TITLE I PROGRAM.

CONCLUSION

WE DEEPLY APPRECIATE THIS OPPORTUNITY TO PRESENT THE VIEWS OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL) ON TITLE I RENEWAL. WE REALIZE THAT THIS IS STILL THE BEGINNING OF THIS COMMITTEE'S DELIBERATIONS ON THE RENEWAL OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965. WE TRUST THAT WE HAVE PROVIDED YOU WITH A THOUGHTFULLY CONCEIVED PROGRAM FOR REVISING TITLE I THAT WILL BRING ABOUT GREATER STATE AND FEDERAL COOPERATION IN COMPENSATORY EDUCATION. THIS COMMITTEE, ESPECIALLY ITS CHAIRMAN, CONGRESSMAN PERKINS AND ITS RANKING MINORITY MEMBER, CONGRESSMAN QUIE, ARE TO BE COMMENDED FOR THEIR UNFLAGGING EFFORTS TO RAISE FUNDING LEVELS FOR THIS PROGRAM AND TO IMPROVE ITS ADMINISTRATION SINCE IT WAS FIRST ENACTED IN 1965. THE TITLE I PROGRAM IS AGAIN AT A CROSSROADS IN 1978; LET GREATER STATE-FEDERAL COOPERATION ALONG THE LINES WE HAVE SUGGESTED BE THE HALLMARK OF A NEW AND REVITALIZED TITLE I PROGRAM IN THE YEARS AHEAD. THANK YOU.

Appendix A

NCSL RESOLUTION ON TITLE I RENEWAL*

The National Conference of State Legislatures (NCSL) believes that Federal and State governments must join together in fashioning more equitable and effective compensatory education programs for the disadvantaged. As of 1975, 13 states had established compensatory education programs of their own. These programs now complement the Federal Title I education program which was funded at a level of 1.7 billion dollars in FY 1977. As States and the Federal Government continue to fund higher levels of services of compensatory education services, a stronger partnership between Federal and State governments must be developed so that these programs can attain a high level of effectiveness without causing undue disruption to the finance systems that States now maintain for the funding of the basic educational services for compensatory education students.

In light of these needs, the National Conference of State Legislatures recommends the following revisions to the Title I ESEA program:

1. Congress should increase funding of the Title I program to at least 70% of the level of funding presently authorized under the program. It should also revise the Title I formula to provide for allocations of funds to local school districts rather than county areas using the latest accurate available data on the numbers of children in poverty families as determined by the Bureau of the Census. The Congress should also add another section to Title I that will permit more funds to flow to local school districts with extraordinarily high concentrations of Title I eligible school children. Every school with a significant proportion of Title I eligible children should be served.

2. Title I law and regulations should be revised where they prevent "mainstreaming" of Title I pupils in the regular classroom when local educational authorities deem that provision of compensatory education services in the regular classroom is in the best interests of the child. After the Federal Government develops audit procedures to track funds for mainstreamed children served pursuant to P.L. 94-142 it should apply the same audit procedures for the mainstreamed Title I child.

3. The Federal Government should encourage more State provision of compensatory education services through enacting a new incentive funding program in Title I that will provide additional aid to states with their own compensatory education programs. The Federal Government should also repeal or modify existing Title I law and regulations that prevent a State compensatory education program from being designed to serve compensatory education children not served under Title I. The Federal Government should also repeal the handicapped "set aside" in the present Title I program, but only if these Title I handicapped children are to be adequately served under a P.L. 94-142 program.

4. Finally, Title I programs should be funded, coordinated and administered pursuant to state law which is not inconsistent with existing federal law and regulations, with those exceptions that are noted in this resolution.

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*This is an official policy position of the National Conference of State Legislatures (NCSL) adopted at the May 20-21, 1977 meeting of its State-Federal Assembly.

Mr. **Kildee**. Ms. Ruth Mancuso. She has Mr. Robert McBride accompanying her.

STATEMENT OF RUTH MANCUSO, VICE PRESIDENT, NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION, ACCOMPANIED BY: ROBERT H. McBRIDE, GOVERNMENTAL AFFAIRS COMMITTEE, NASBE

Ms. **Mancuso**. We are pleased to very briefly summarize the testimony we prepared for you.

Mr. **Kildee**. It is not only awkward, it is embarrassing.

Ms. **Mancuso**. Having been in similar positions, I understand. I will go simply to the summary of our statement and elaborate briefly on that.

We believe there would be a more equitable distribution of Title I funds and resources targeted to helping low-income children if the following four points could be considered: First, we believe that Title I funds should be increased to serve a higher percentage of the eligible children. I suspect we should say that, ideally, it should morally and legally deal with all eligible children; secondly, the States should be given the option to allocate Title I funds to schools across the whole State with emphasis on the concentration problem. In our testimony we have taken the State of Maryland for example. The analysis of that State would indicate, for example, in the City of Baltimore the cutoff school at some approximately 30 percent, schools below that in the city are not served, yet when one moves into the suburbs you find the schools served with as low as 21 to 15 percent of the children in low income. Consequently, one of the results of this system is that low-income children residing in affluent districts are more likely to receive higher quality of Title I services in terms of the amount of money expended for them.

Thirdly, we would like to emphasize our concern and recommendation that the States who bear the constitutional responsibility for education be given the responsibility for developing long-range plans which provide for a coordinated use and administration of Federal, State and local funds to meet compensatory needs of children and that plan further provides for a latitude of local selection of institutional as well as instructional strategies beyond those required in Title I provisions.

The base for that being clear, we believe that kind of decision should be made at the State and local level in terms of the needs of children.

Lastly, we recommend the funding allocations and program requirements in the renewal of Title I reflect and support the State's responsibilities and the equalization of a compensatory system for the country. The simplification of procedures in Title I should strengthen the resources through the State educational agency rather than what has been suggested a direct aid to more than 13,000 school districts.

The aim of our recommendation would be clearly to target whatever resources, in some cases extremely limited, toward what we believe the congressional aim and what is the aim of the States in the Nation and that is that we should serve more young people in a coordinated partnership to fulfill the intent of Congress as well as the priorities of most of our States.

Those who have spoken before have indicated that a number of States, 19 as far as we know, do now have some form of State compensatory educational program. We believe and continually find that until we develop coordinated strategies for the use of limited resources, we believe we will not effectively implement the intent to serve particularly low income children.

I think we need to look in this bill and any future bills to not only the case of remediation of compensatory needs but also to a stronger and increasingly stronger program for the prevention of the development of compensatory problems among children. I think one of the problems clearly with the achievements approach is that we have a very difficult time identifying those kinds of young people prior to an achievement teaching age.

We appreciate the opportunity to appear and conclude our statement on that basis.

[The prepared statement of Ms. Mancuso and Mr. McBride follow:]

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION

STATEMENT ON RENEWAL

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (ESEA)

by

Ruth Mancuso - President of New Jersey State Board of Education and
Vice President, National Association of State Boards of
Education

Accompanied by

Robert H. McBride, Chairman - Governmental Affairs Committee,
National Association of State Boards of Education

to the

House Subcommittee on Elementary, Secondary, and Vocational Education

September 21, 1977

Washington, D.C.

Introduction

While ESEA covers a wide variety of program areas, Title I is the cornerstone of federal aid to elementary and secondary education. It epitomizes Congress' major concern for special children with special needs, such as the poor, handicapped and disadvantaged. As one of the key state-level organizations NASBE applauds Congress for supporting this worthwhile program.

We should start any comment on renewal of ESEA with its philosophical basis. Secion 101 of the original bill states a concern for:

- "Special educational needs of children from low-income families, and
- The impact that concentrations of low-income families have on the ability of local education agencies (LEA's) to support adequate education programs."

Financial aid was "to go to LEA's serving areas with concentrations of children from low-income families."

Although "educationally deprived children" are the last three words of the Act's Declaration of Policy, it is quite clear that poor* (and neglected or delinquent) children are the target.

In addressing needed changes for Title I ESEA, our comments fall in three areas:

- Is funding adequate to serve all eligible children? How well has Congressional intent been met using the current methods of allocating funds?

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*Much research data, accumulated since 1965 by organizations like the National Assessment of Educational Progress and the National Institute of Education, clearly indicates that poverty was and is a reasonably good surrogate for educational disadvantage.

- o Are there better ways of meeting Congressional intent than the present no-judgment formula approach?
- o Would it not be more equitable to provide for flexible programmatic and funding allocation mechanisms under the aegis of state education agencies (SEA's)?

Congressional Intent Versus What's Happening

Poverty measures such as the number of children from families below certain income levels are generally not available yearly on a school district basis. As a result, ten-year* census data, generally on a county* basis, have been used to make allocations to school districts. Under this formula, about 13,000 of the 16,000+ school districts in the U.S. get some Title I money. Thus it appears that the Congressional principle of aid for districts with a concentration of low-income students has been stretched considerably.

One way to test the equity of the allocation formula is to measure across one representative state the percentage of Title I eligible children getting services and the average expenditure per child served as is summarized below from a special survey:

	State A (FY 76)		
		Title I Expenditures	
Type of District	Average % of Low Income Students	Per Student Participating	% of State Avg. Title I Expend.
Central City	29.7%	$431	96%
Affluent Suburbs	4.4%	578	129%
Affluent Rural/Small Town	23.2%	793	177%
Poor Rural - A	26.2%	444	99%
- B	32.0%	793	177%
Range for State - High	32.0%	793	177%
- Average	-	447	100%
- Low	3.8%	289	65%

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*The move toward an every-5-year census and use of poverty data by school district (when available) will help.

We note that the average expenditure per Title I student varies from 65% to 177% of the state average. In most cases, the higher per student expenditures are from the more affluent districts who generally provide services to less than 20% of their students in Title I eligible schools.

The focus of the Title I program has been blurred because of appropriations which have been consistently lower than the authorized level and the process used to accommodate this shortfall. When Title I was enacted, it was envisioned that funds would go to all districts with more than a minimum Title I population on the theory that compensatory services would be made available to serve needy children including "hidden poverty" in affluent areas. However, with appropriations below authorized levels, only schools with a greater incidence of disadvantage than the district average are eligible to be "target schools" or "project areas". Thus districts with a high incidence of Title I children have a much higher threshold for a school's participation in the program than do low poverty districts. This allocation system produces results inconsistent with congressional intent as set forth in the preamble to the statute.

We have surveyed several states on a pilot basis and use Maryland as an example since information is fairly easy to obtain with its relatively few county districts (Exhibit C). In Baltimore City any school which has less than 30.3% Title I children was not eligible to receive Title I funds. This minimum is higher than the maximum incidence in schools receiving Title I funds in 11 other counties. This means there are schools in relatively affluent counties receiving Title I assistance with no more than 5% Title I children while schools in Baltimore City with 25-30% Title I children are excluded from the program.

The impact of this bias against areas with a high concentration of disadvantaged is compounded by two other factors. First, there is little question that the higher the concentration of disadvantaged students the more difficult it is to carry out an effective educational program. Secondly, the NIE study of compensatory education also reveals that the poorer school districts spend about 20% less of their Title I budgets on instruction than do wealthier districts. This results from expenditures for health and other non-instructional services normally supplied by the family of less poor children.

In summary, our anlayses show that the distribution of Title I funds under existing arrangements is less than equitable:

- Similarly, disadvantaged students have a greater chance of getting Title I compensatory services if they reside in affluent districts, and
- Those students obtaining services in wealthier districts generally have higher per student Title I expenditures with more services targeted on instruction.

Better Ways for Helping Poor Children

To provide more comprehensive compensatory education under Title I and at the same time simplify administrative problems, we recommend the changes summarized below:

- First and foremost, authorizations for Title I have not even kept up with inflation. At FY 77's expected $1.845 billion level, only a little more than half the eligible children received Title I services. The higher advanced funding for FY 79 at $2.735 billion is a significant improvement but only allows a 13% per year real improvement over FY 77, after allowing for inflation.

  Short term, Congress should aim for appropriations at 70% of the authorized level. Over a longer term, the federal government should increase appropriations to provide services to all disadvantaged students within the next five years, particularly secondary students who now get a low percentage of Title I funding.

The Congress should also add another section to Title I that will permit more funds for districts with extraordinarily high concentrations of disadvantaged children.

- Congress is urged to reaffirm the original Declaration of Policy of Title I: to provide financial assistance to school districts serving areas with a concentration of children from low-income families, and within these districts, to school buildings serving the highest concentration of educationally-disadvantaged children.

  This policy can best be realized by legislative changes which allow greater authority and flexibility to plan for meeting the unique educational needs faced by each state.

- An example of how Title I monies might be allocated within the state based on a single state allocation is briefly outlined. To assure that high concentration schools are given priority treatment, the state education agency (SEA) could establish the initial priority levels of service such as pre-school, early elementary, intermediate school or high school. Then, using educational achievement data from the state assessment system (preferably), the percentage of students receiving free or reduced price lunches, economic disadvantagement data or some combination of these, the individual schools of the state would be placed in rank order, from the highest level of disadvantagement to the lowest.

  Then using a rational supplemental funding factor, a state-wide allocation would assign money to schools (not districts) starting with the most disadvantaged and proceeding down the list until the funds were all used. State or local compensatory education funds could supplement Title I funding.

- The allocation formula to local education agencies (LEA's) for each state electing this option would be submitted as part of a multi-year state plan to be approved by the U.S. Commissioner of Education. The plan would also include:
    1. Procedures to insure equitable distribution of state-local funds before federal funds are received;
    2. Procedures to insure state-wide maintenance of effort;
    3. Plans to insure that federal funds are used compatibly with the state's finance equalization plans;
    4. Assurance regarding the coordination and joint administration, if applicable, of Title I with the state-funded compensatory education programs;
    5. The details of how target schools are identified;
    6. Definition of the role and function of parent advisory councils;
    7. Procedures for increasing Title I aid on a sliding scale using size of district and concentration of economically-disadvantaged children as criteria.

We do not envision a voluminous state plan of the nature which reflects past overly-prescriptive attempts by the U.S.O.E. to regulate LEA's. The multi-year plan would encourage, for the first time, the development of long-range planning for effective use of Title I monies with annual updates on changes which are required in the long-range plan. Some examples of different types of state plans, to meet varying laws and practives, are attached as Exhibit A.

States not choosing to submit these types of state plans would have to comply with general, federally-designed procedures.

In addition to the central thrust of our recommendations on flexible state plans, these additional legislative changes or additons are recommended:

- o Title I programs should be funded, coordinated and administered under state law when it is not inconsistent with existing federal law and regulation.
- o Title I law and regulations should be revised where they prevent "mainstreaming" of Title I pupils in the regular classroom when local education authorities deem that provision of compensatory education services in the regular classroom is in the best interests of the child. Audit procedures being developed for mainstreamed handicapped youngsters under P.L. 94-142 should be used for mainstreamed children.
- o In schools serving high concentrations of disadvantaged students, compensatory funds should be available for upgrading institutional programs, rather than continuing the current practice of segregating Title I students.
- o The federal government should encourage more state provision of compensatory education services through enacting a new incentive funding program in Title I that will provide additional aid to states with their own compensatory education programs (on an equalized basis).
- o States should be permitted to jointly operate Title I and state compensatory education programs, provided they supply adequate assurances of implementation of the intent of the title plus evaluative proof of impact and effectiveness. This includes repeal or modification of existing Title I law and regulations that prevent

(1) a state compensatory education program from being designed to serve disadvantaged children not served under Title I and (2) co-mingling of state-local and federal funds. Specific procedures for joint operation of compensatory education programs should be allowed under a state plan approved by the U.S. Commissioner.

Other recommended legislative changes are included in Exhibit B.

Advantages

Modification of Title I ESEA along the lines recommended has many advantages:

- The recommended approach allows a range of instructional strategies, rather than the prevailing Title I "pull out" model where a student receives basic instruction from the regular classroom teacher and is provided with remedial instruction outside the regular classroom. The principal motivation for this model has been that it leaves a clear "audit trail" to insure that only Title I children receive special help.
- By looking at all the schools in the state as part of the allocation procedure, those students needing services most will be much more uniformly served (e.g. equity across the whole state).
- Since nineteen states already have non-federal compensatory education programs, the flexibility afforded by the approved state plan will allow effective meshing of federal and state aid to youngsters.

Funding of Title I needs to be systematically increased to at least $5 billion to allow Title I services to be provided to most disadvantaged children. In addition, there are serious educational, as well as administrative, problems with current practices and procedures carried out under Title I. As the NIE studies indicate, no single compensatory education strategy is universally applicable. As a result, no highly-structured, downward-imposed model should be mandated to limit further flexible programming for disadvantaged youngsters.

Services to disadvantaged children could be enhanced and improved if Congress would reaffirm the federal-state-local partnership to provide appropriate and efficient educational services to disadvantaged children. The National Association of State Boards of Education believes that Title I of ESEA can be simplified to deliver efficiently and equitably more instructional services to the disadvantaged youngsters who need them the most.

Finally, we wish to make special note of testimony submitted earlier this week, calling for direct funding of Title I to local school districts. Just as the federal level attempts to target funds on an equitable basis to certain national priority needs, so too do the states. Just as the federal level exercises oversight accountability over the states, so do the states exercise oversight accountability over local school districts.

The identification of educational priorities within the state, the development of equalized funding formulas within the state, the development of state plans to meet educational priorities and the exercising of overall supervision over local school districts are responsibilities which fall to state legislatures, state boards of education, state departments of education and chief state school officers. For any organization to suggest that in certain instances the federal government should by-pass these state level policy making and supervising bodies and enter into a direct funding relationship with local school districts smacks dangerously of a desire to weaken the state's role. It is NASBE's belief that any time federal educational funds by-pass the state level, that it significantly erodes the state's constitutional governance authority over local school districts. We urge the Congress to continue to recognize that the governance of education is a state matter.

EXHIBIT A

EXAMPLES OF VARIOUS TYPES OF STATE PLANS

1. In a state where state resources are allocated by law at the county level in such a manner as to distribute resources equitably, but still allow counties and districts within a county discretion regarding their use of resources (teachers, aides, materials). A state plan would require the LEA to provide assurances that state resources were distributed equitably before federal funds were used. This procedure provides flexibility since some states regard some things other than teachers, aides or per pupil expenditure in considering resources.

2. In states where maintenance of effort is tied to the passage of annual education budgets by an electorate, their state plans would provide procedures whereby a district whose maintenance of effort fell because of a "jailed" budget could demonstrate the cause and provide assurances that supplementation was not taking place.

3. In states that fund state compensatory programs, the state plan could provide procedures and policies whereby the state funds and the federal funds could complement each other and not compete. For example, specifying that state compensatory funds could be used to provide supporting servicies and federal funds for the basic skills program itself.

4. A state plan could also clearly describe how sub-allocation to the LEA's could be made below the county level, particularly in states where school districts commonly cross county lines. The procedures would provide for an equalization of funds across the state with calculations being made at the state level to provide a standard per pupil figure behind every participating child.

5. In states that believe subcounty allocations result in considerable inequities within the state because of great variations among the districts in regard to levels of concentrations of eligible children, their state plans might well provide procedures to give priority to relatively high-concentration schools and low priority to low-concentration schools. In addition, their plans could provide priorities of service in terms of levels such as preschool, elementary, junior high, etc. The result might be a rank ordering of buildings to receive service across that particular state.

6. In those states where ESEA Title I funding to its large urban areas is not in any real sense keeping pace with the needs of urban children and the present funding formula holds no relief unless at the expense of other smaller districts, state plans might well contain procedures whereby any increased funding to the state would be concentrated in urban areas using a sliding upward scale based on size of district and concentrations of economically-disadvantaged children as the principal criteria. The upper level of the scale would approximate full funding in the same manner as full funding for migrant children or children in institutions.

The above examples are intended to illustrate the very real differences existing among states that prevent them from fully utilizing federal funding for the greatest benefit of the children who most need the services. State plans could address these problems. The USOE could continue its close administration of the program and many more children could be served more efficiently by allowing greater authority and flexibility at the state level.

EXHIBIT B

OTHER RECOMMENDED CHANGES TO TITLE I LEGISLATION

- Desegregation - Provisions should be included that allow Title I services to follow the child when districts are desegregating. Local school districts undergoing desegregation, voluntary or court ordered, should be exempt from target area provisions. However, districts should be required to submit a plan for SEA approval that will make explicit how educationally-needy children will be served, irrespective of where the children may be assigned for desegregation purposes.

- Provisions for automatic approval of state plans within 60 days if the U.S.O.E. has not notified the state of disapproval.

- Comparability - Current comparability requirements are too restrictive. A single comparability standard is recommended based on the existing per pupil expenditure for instructional salaries. The mini-comparability report for handicapped should be eliminated from the regular comparability report. State education agencies should be granted some discretionary authority to deal with certain extenuating circumstances which arise periodically. In addition, the present system of having to return the entire amount of funds expended in all Title I schools because of a mathematical error or just one school not being comparable is unfair and should be changed.

- Non-Supplanting - Congress is urged to develop a clearer definition of "supplant". As an example, no supplanting of state-local funds would specify that the average per pupil cost of education in a Title I school from state-local funds not vary by more than 5% from average state-local expenditures per pupil in non-Title I schools in the same district, after correction for differences in staff salaries because of level of education and recognized teaching experience.

- Dissemination of Promising Title I Practices - There should be a specific set-aside for Title I program improvement with state authority to fund model/innovative/demonstration type projects identified as worthy models for better compensatory education practices. This program would enable states to provide greater leadership and service to LEA's by placing a positive spotlight on successful Title I programs. While Part B programs or the reallocation process theoretically provides funds for such a program, no B programs in many states and the complete LEA utilization of Title I funds precludes this option in most states.

- State Administration - As the federal government has sought tighter control and guidance of Title I funds and programs, there has been an increasing and natural reliance on state education agencies. State administrators have been called on to enforce more regulations, implement new and more detailed Title I evaluation requirements, monitor district comparability, enforce additional parent advisory council participation, provide technical assistance and leadership to LEA's and to respond to an ever-increasing demand for Title I data and information for federally-mandated Title I studeis. As recommended to Congress by the National

Advisory Council on Education of Disadvantaged Children, the provisions for state administration should be raised to a sum not to exceed 1.5% of the basic grant or $250,000, whichever is greater. With these funds, states will be in a position to fulfill their partnership role in meeting the needs of disadvantaged children.

- Services to Handicapped Children - As soon as Title I handicapped children are adequately served under programs funded by P.L. 94-142, the handicapped "set aside" in Title I should be repealed. Until that time, all set-asides as well as services for handicapped children in Title I should be administered under handicapped programs.

EXHIBIT C

STATISTICS - MARYLAND ESEA TITLE I PROGRAM, FY 76

(See following page for explanatory footnotes A & B)

District	Percentage Low Income Eligible Elementary Schools High	Low	Districtwide % Low Income	No. of Eligible Elem. Schools
Allegheny	23.7[A]	13.7	15.7	13
Anne Arundel	19.2[A]	7.4	7.1	34
Baltimore City	71.7	30.3[B]	29.2	75
Baltimore	21.3[A]	6.9	4.4	46*
Calvert	33.1	22.0	23.8	3
Caroline	31.0	24.0	24.0	3
Carroll	11.2[A]	4.4	7.4	8
Cecil	20.5[A]	11.3	11.2	10
Charles	34.5	16.0	15.7	9
Dorchester	46.4	15.5	21.2	6
Frederick	26.9[A]	11.2	9.5	9
Garrett	51.2	22.1	26.9	9
Harford	36.9	16.2	14.9	13
Howard	12.8[A]	4.6	5.0	9
Kent	25.9[A]	18.2	17.6	4
Montgomery	24.5[A]	3.8	3.8	53*
Prince Georges	18.3[A]	6.4	6.8	107*
Queen Anne's	34.0	21.0	26.0	8
St. Mary's	31.5	15.7	16.8	9
Somerset	70.5	25.8	32.0	7
Talbot	36.9	14.4	23.2	7
Washington	24.8[A]	12.7	12.7	14
Wicomico	35.2	13.6	17.9	10
Worcester	58.9	37.9	26.2	4

* Less than half of eligible schools are actually served

FOOTNOTE FOR EXHIBIT C

Eleven relatively affluent districts (46%) (those denoted with an A on the chart) have Title I programs in schools where maximum percentage low income students is less than Baltimore City's minimum percentage low income schools (denoted by a B on the chart) allowed to be served under existing regulations and funding.

Mr. **Kildee**. If you remain in place, I think we will still have some time because a quorum has not yet arrived for the full committee. I will go over and vote and Mr. Quie will be back.

Without objection, you can read your comments into the record while I am gone.

Mr. **Stromer**. They have already been entered into the record, but there are additional comments we wanted the Congressmen to hear.

[Brief recess.]

Mr. **Quie**. Mr. Stromer, you suggest the Federal Government should be involved in the intrastate distribution. When we do permit certain legislation in a State, the legislative body should express itself. So, if there are people making policy decisions, we are going to give the State administrative body a decision in distributing Federal money, as well.

Could you give us your idea of how that would work out?

Mr. **Stromer**. I did not have a chance to finish my remark, but I think in the next decade State legislators are going to try to have a better oversight procedure on the Federal dollars as well as on their own. We have set up a compensatory program. We have identified 4 percent of our total school enrollment as learning disabled and try to mesh that well with Title I, to make sure you are not giving too much attention to some students and not others. What we are looking for basically is, first, a chance to express our concern to you as we did this morning but, moreover, to probably coordinate the programs and at some point, 94-482 coordination will be looking at some of the Title I students. To give you the specifics may be a little difficult at this point, but by the same token, I know your State legislatures and others are trying to monitor how State funds are coming into their States.

Mr. **Quie**. Marty Sabo, Speaker of the House in Minnesota, has expressed himself quite strongly on this matter.

It also bothers him when they close out some programs to have the administrator going ahead with the money doing things that were stopped.

I would like to ask both Ruth and the Commissioner how they would react to having the legislature being involved.

Ms. **Mancuso**. It is a difficult question to answer, Mr. Quie, in a categorical fashion. I would suggest that if the concern is oversight, that there is an appropriate legislative way to conduct an oversight. If the concern is that we would now have State legislatures more prescriptive delineating the utilization of Federal and State funds in a way making the coordinated methods possible, we would have as much problem with that as we have with prescriptive efforts from the Federal level. I am sure they need greater attention to expenditures and priorities of those expenditures but I would be increasingly concerned if they substituted that judgment for a State board or department of education.

Chairman **Perkins**. Will the gentleman yield to me at this point?

Mr. **Quie**. Yes, sir.

Chairman **Perkins**. We all know the issue in the States now is whether State legislatures should reappropriate Federal education funds before they are spent. The issue is now in the Federal courts in Pennsylvania where the Government is suing the legislature, in effect.

Do the State legislatures have any comments on the constitutionality of reappropriating after the Federal dollars have reached State levels.

Mr. **Stromer**. The outcome of that particular case will be interesting and will affect State legislatures. One of the most frustrating things I face as a State legislator is telling my constituency we can't change this because the Federal Government mandates it happened this way. If we assume all tax dollars come from the Federal Government then I assume we in the State legislatures could do more coordinating. Maybe more in how the program is being administered so we can dovetail our program in with the Federal program dealing with changes we have heard this morning.

I recognize just as State legislatures are suspicious of cities and counties, probably Congress is suspicious of State legislature.

Chairman **Perkins**. Does the gentleman from New York want to say anything on that?

Dr. **Ambach**. Yes, I would, Mr. Chairman. Not necessarily to the question of the Pennsylvania case but to the question Congressman Quie has raised. I have advocated in my testimony, a very strong connection between the administration of State and Federal programs and I would add State, Federal and local programs. I believe the most effective use of Title I or other programs will be if they are linked together with those programs at the State and local levels. There are, at least in the State of New York, very close links between the administrative levels, Government offices and our department, indeed by budget review——

Chairman **Perkins**. Are you indirectly suggesting we give the State legislatures the final say so?

Dr. **Ambach**. No, I am just coming to that, Mr. Chairman.

The administrative connection I think is essential. We have, in developing legislation in New York, worked very closely with legislators and their staff members so there is a compatibility of State and Federal legislation. I, personally, would oppose a blanket reappropriation of Federal funds at the State level because there are severe impediments which would be realized. There can be strong coordination and satisfactory determinations at the legislative levels per the procedures we already have in place.

Mr. **Quie**. The coordination or dovetailing of the two programs you suggest, would you find that advisable to run this through the legislature before you send it to USOE?

Dr. **Ambach**. The State plan.

Mr. **Quie**. You suggest dovetailing the State and Federal program. It would be submitted as a plan then after it is approved—

Dr. **Ambach**. I believe as to the essential coordinate process is in the development and coordination of State legislation with respect to administrative procedure, I think the appropriate coordinative level is with our executive office, the Office of the Governor. A full discussion with staff members of the legislature is appropriate, but I personally believe if we were to have State plans approved by a legislative process that, in fact, we would be setting an impedance to an administrative procedure which is not necessary. It is on the front end where it is most important to have the coordination.

Mr. **Quie**. Could I get a reaction from the State legislator?

Mr. **Wilson**. We haven't rehearsed. The City of New York, as you know, is a huge municipal complex. Today there is a trend in that city toward neighborhood government boards toward the idea the city budget and services should be decentralized and broken down. I would say, as the Federal Government gets more and more involved in the kinds of things which traditionally are a province of the State and the locality as to education, the only way we are going to prevent a centralization of those educational decisions in the Federal Government, in 10, 15, 20 years we have to repeat at a Federal-State level what we are doing in the city, is to involve the State legislature, which is supposed to be responsible for education of the State and it is supposed to guide that legislation through supervision of some 730 school districts we have in New York. That can't be done unless they have a real voice and input into the knds of States such as the expenditure of Title I funds. I, personally, speaking for myself, would favor the idea of such plans at least being the subject of assembly committee hearings and discussion, at least, maybe not the necessity of some sort of enactment but at least that kind of input and public and legislative involvement prior to submission to the USOE.

Ms. **Mancuso**. We would think it would be extremely important to delineate among oversight review and approval. They have three very clearly different connotations. We have little problem with the question of review, appropriate administrative bodies in almost every State that occurs to some extent. I think the legislature has responsibility in terms of oversight and analysis.

Mr. **Quie**. What bothers me is what we have done in the Congress is to put programs out which we assume the administrative bodies in the State level would handle the responsibility. I use one example of New York which I hope you will forgive me if it is a little harsh, but in the summer feeding program, I assume the New York State Department of Education, was the one through whom that program operated and then last summer, from the information we received, there were more students for summer feeding than there were, not only poor kids in the city, but the full number of kids in public and private schools combined.

Now, something got out of hand which makes me think the legislative body was involved in some way that should not have happened. We will see now the results of this summer what happened.

The other one is in CETA which was left entirely to them. When they did their study, 1 out of 10 was a CETA employee but only 8 percent were poor or unemployed prior to becoming employed. So we had to crank in more Federal funds to make them do what they should have done in the first place.

Dr. **Ambach**. The summer feeding program is managed by the Department of Agriculture. In certain years that has been managed by the Department of Agriculture and the last 2 years through agreement with the State Education Department. I would like to correct your impression of the statistics with respect to this summer, the feeding levels on that program and the general administration of that program we believe were very sound. The feeding levels——

Mr. **Quie**. The summer before this one?

Dr. **Ambach**. The statistics on the summer before there have been various claims as to the total number of lunches during the summer of 1976. Those are all being audited at this point. In fact, the total number of lunches provided was well below the total number of students and that is not just students in the school systems, it is not limited to what would be ordinary school attendance. So even if you had a number in excess of the number of students, it wouldn't necessarily be improper.

Mr. **Quie**. It certainly would.

Dr. **Ambach**. I am talking about eligible students.

I am pointing out that number has been significantly reduced with respect to the audit of lunches provided. Most important, during the course of last summer the administration has been much tightened. It was an extremely sound program well done in this case, in part through the city school system, which hadn't been involved before and we think that's well on track.

That is a good example where you would have a tremendous problem if you had reappropriation on the part of the legislature. We have never had regulations from USDA until approximately March. At that point you have to begin developing a State plan and, for purposes of developing that State plan and putting it into place, you had an extraordinarily——

Chairman **Perkins**. I regret we have to break up the meeting.

Mr. **Pressler**. If you had a state reappropriation of Federal funds, could it be geared to the timing of Federal appropriations so no funding would be held up? Secondly, what advantage would it be since it couldn't cause substantive changes in Federal laws?

Mr. **Stromer**. The reason this is advocated is because presently the most frustrating thing for a legislator to do is to develop a program only to find out some of the fine tuning is impossible because the Federal regulations preclude some of the things which should be done. I am not advocating that you send the money back without any restrictions, but by the same token, if the State legislature doesn't know what the Federal Government is demanding, it makes it difficult to appropriate money at the State level.

For instance, in Iowa, 98 percent is State and local; and 2 percent, Federal Government. Sometimes it is difficult for that program to be implemented.

Mr. **Pressler**. Thank you very much.

Chairman PERKINS. The hearing is adjourned. I want to thank all the witnesses for appearing here today.

[Whereupon, at 10:35 a.m., the subcommittee was adjourned.]

[Additional material submitted for inclusion in the record follows:]

PURDUE
UNIVERSITY DEPARTMENT OF EDUCATION

PH: (317) 494-8541

October 10, 1977

Chairman, House Elementary and Secondary
Education Sub-Committee
ESEA Title I Hearings
House Office Building
Washington, D.C.

Dear Sir:

I noted in the October 5, 1977, REPORT on Education Research a report of the testimony of Gordon Ambach, New York State Commissioner of Education. The essence of his testimony was that "matched" non-title I children left behind in the classroom, who did not participate in compensatory reading programs (as did the Title I children), scored higher on reading test scores at the end of the year than did the Title I children.

May I suggest that the Commissioner Ambach's testimony is clearly in error. He did not recognize, nor evidently did the excellent educational research methods specialists in the New York State Department of Education have the opportunity to tell him, that "matching" of individuals in such research designs will cause an error that is called technically "regression toward the mean." In this case the non-title I children (matched on pretest scores) regress up toward the mean of all the non-title I children on their post test scores while the Title I childrens' post test scores are probably less affected by this measurement artifact phenomenon. Thus there exists an artificial difference on the post test score between the two groups that does not allow any interpretation about the effectiveness of the programs. The faulty conclusion, accepted by Commissioner Ambach and presented to your Committee, is that the children who did not participate in compensatory programs scored higher at the end of the year than the Title I children.

This faulty educational research design and consequent measurement artifact has been rather well known among educational researchers for over a third of a century, and the research design interpretation error now is routinely taught in educational research methods courses presented even to teachers seeking Masters degrees.

West Lafayette, Indiana 47907

I enclose a copy of pages in my book from Chapter 11, Common Errors in Education Research (Asher, J.W., Educational Research and Evaluation Methods, Little, Brown, Boston, 1976.) as an example and for your use.

I trust your staff will correct the record with respect to the faulty testimony.

Sincerely,

William Asher
Professor of Education and Psychological Science

WA:es

enclosure
CC: Commissioner Gordon Ambach

Chapter 11

Common Errors in Educational Research

Texts on scientific research methods are concerned primarily with procedures for conducting investigations in the field of study. A novice researcher in the sciences can follow the methodology of others. There might be a few precautions scattered here and there, alerting the careful investigator to problems of procedures, interpretation, or effort-saving methods. Unfortunately, in educational research, further precautions are necessary. The scientific and professional literature in education too often is inaccurate both in research methods and in the interpretation of data. Students or professionals doing research on a now-and-then basis—those who go to the literature to obtain a model for their research design—may be led astray. With good consultation and advice, the novice researcher's problems can be rectified, but what precautions can professionals take when they want to read the professional literature on a topic? It is almost impossible to have a research expert evaluate on a casual basis information quality for a broad range of articles.

Responsible professionals (and preprofessionals) will recognize the general problem and use the principles already presented in this book, especially those of internal validity of research, to judge information quality. They will seek consultation on important decision data, and, in addition, be alert to a number of specific problems and errors which will be presented in this chapter.

Topics covered will be: (a) the general problem of inadequate comparison groups, no real comparison groups, and groups that are explicitly in error because of the way in which they were developed; (b) interpretation of near-chance results as important; (c) cause-and-effect interpretations of correlated variables; and (d) a variety of problems involving poor use and interpretation of statistical analyses and measurement methods.

COMPARISON GROUP PROBLEMS

An initial theme of this book has been that comparisons are the essential concern in the interpretation of any data. It has been indicated that changes and developments in students cannot be ascribed automatically to an associated change in the educational system. Children and adolescents grow and develop all by themselves. It was suggested that sometimes students and children might develop more fully if some of the changes imposed in the name of education were not made! Politicians cannot take credit for rain; neither should educational administrators take full credit for many of the accomplishments of the students and alumni of their schools. The internal validity principle of maturation must be invoked and only tentative conclusions drawn about development, unless a carefully considered comparison group is available. Instances of omissions of comparison groups, or flawed comparison groups, were noted and explained in several of the previous chapters. A suggestion was even made that, on occasion, some recommended research methods actually led researchers into developing what now are recognized clearly as faulty comparison groups.

This faulty research method is termed "matching." The general procedure of matching can be done in several ways, and not all methods of matching, or use of the word, are faulty. In fact, some methods can be useful and valuable. The reader of research must note carefully what the writer means by the word "matching." Some researchers, recognizing the need for equivalent comparison groups, randomly assign individuals to groups and report that the groups were "matched." In this use of the word "matched," the groups indeed are comparable. However, the word "matching" has so many unfortunate connotations, it is recommended that the words "equivalent groups" be used to describe groups developed through the randomization of subjects.

A second worthwhile use of matching in the development of equivalent groups is the matching of individual subjects *followed* by the random allocation of one of the matched pair (triplet, etc.) to one group and the other to an alternative group. The end result of matching subjects followed by randomization is two (or more) equivalent groups which are particularly homogeneous with respect to one another.

However, there is a price paid for this homogeneity. The number of observations are not considered to be one for each person in both groups, but one for each *pair* of persons placed in the groups. The ability to detect differences in an experiment is based in part on the number of observations in the study. The pairing of subjects through matching reduces the number of observations by one-half. If the matching of the pairs is done on variables reasonably correlated with the criteria variables, however, the effectiveness of the experiment will be enhanced, despite the reduction in the number of observations.

Still, to obtain data for the matching process, it may be necessary to give several tests or collect observational data prior to the experiments. For example, intelligence tests must be given for people to be matched on these scores before they are randomly assigned to an experimental or control group. These data collection efforts and costs might well be used in other ways in the research effort to better advantage.

Another use of the term "matching" is in the phrase "matched groups." Here two (or more) existing groups are examined on several important characteristics. If the two groups are not different on these variables, the standard quasi-experimental model can be followed, using a treatment applied to one group and not to the other, and then the groups are compared on criteria. The use of the words "matched groups" in this sense is equivalent to the better types of quasi-experimental group research discussed in Chapter 5. To describe the design as "matched groups" in this case is not wrong, but the description may be confused with other research procedures which are in error.

Sometimes intact, existing groups have been studied in order to learn the effects of prior differing conditions or treatments on the matched groups. When the groups are not equivalent initially, selective matching of individuals from each of the groups sometimes is done in order to establish seemingly equivalent groups. The matching of these pairs of individuals has to be selective because the groups were not equivalent initially. There are some individuals (generally from both groups) that cannot be paired because their scores are either too high or too low to be coupled with another individual from the other group. (This situation is inherent in the matching process because the original intact groups were not equivalent. If the groups were equivalent, there is not too much point to matching.) Thus, the matching is selective. Individuals in the lower part of the distribution of the high-score group are matched with individuals from the higher part of the distribution in the low-score group. The subjects in the high end of high group and the bottom end of the low group cannot all be matched, and these subjects are no longer used in the research.

No randomization to groups after matching is possible, of course, because the groups are intact (already exist). This truncating selection (low scores from the high group, etc.) from the two original, intact groups produces an effect not recognized by some researchers in the behavioral and social sciences and some educational researchers. The matching of individuals from intact, unequal groups without subsequent randomization actually produces groups which are unequal! Thus, the whole logic of group comparison—equal groups, unequal results, and therefore the inference of unequal treatments—is thrown into turmoil. The reader will recall from Chapter 2 that attempting to make inferences about the equality or inequality of treatments is difficult, if not impossible, when the groups are initially unequal. This is because unequal groups acted on by either equal or unequal treatments generally produce unequal groups.

The reasons why matching of individuals from unequal, intact groups produces unequal groups is somewhat complex because it involves the theory of measurement in the behavioral and social sciences. However, unequal groups from this type of matching do occur. When selected individuals from high-score and low-score groups are matched on their test scores, a retesting of these individuals with the same test will show that the previously matched pairs now differ. The direction of the inequality can be predicted if the direction of the differences from the original intact groups is known. The movement of the average scores of the matched individuals will be toward the average (mean) score of the original groups. The resulting matched groups are primarily from the bottom of the higher group and the top of the lower group. Thus the shifting scores on retesting, termed *regression-toward-the mean*, will be up for the lower-scoring individuals matched from the high group and down for the higher-scoring individuals matched from the low group. With the opposite movements of the average scores in the two matched groups, it is inevitable that instead of the matched groups having been equated, they have been made unequal.

This opposite directionality of the shift in the matched groups' averages is important because it may confound the results of any treatment or condition effects. Sometimes educators and researchers take credit for the regression-toward-the mean effect, and at other times no formal reports of research are made because the regression-toward-the-mean effects are greater than the treatment effects and make the educational changes appear negative.

For instance, there are many reports in the educational literature of studies of the enhancing effect of various curricula for the mentally retarded. Upon examination, the careful reader may find that classes for retarded already existed in a school system and that a new curriculum was instituted in all classes. Not having a true experimental or control group available, some of the abler children in the retarded classes often were matched in regular classes with some of the children of less ability who were unable to be accommodated in the special classes. One of the major matching variables almost invariably is intelligence test scores. This means then that the higher-scoring children in the special classes would be matched with the children of lower ability in regular classes on the basis of existing or obtained intelligence test scores.

Should the investigators obtain intelligence test scores for the matched groups again after the end of the experimental curriculum period, they would find, even if the curriculum had no effect on intelligence test scores, that the obtained intelligence test scores seemingly had dropped in the special class groups. For the matched comparison group in the regular classes, the intelligence test scores would rise.

The explanation is that the matched sample from the retarded group has the top test scores of the low intelligence group. Their scores regress toward the mean of their own group, namely downward. The group from the regular classes has the bottom scores of the regular school group in terms of their intelligence. Their scores regress up to the mean of their original group. Further, the same phenomenon holds true for all scores positively correlated with intelligence test scores. Thus, the educational criteria that are related to intelligence test scores would also be influenced by the regression-toward-the-mean phenomenon. Unless the special curriculum is quite potent in its effect, the special class program would look as if it were harmful with respect to these criteria.

Tukey (1973) indicates that the problem of interpreting a descriptive study is not different when the matched variables are categorized, as with nominal variables, than when the variables are measured in interval form, as in the above discussion. He suggests that the difficulty of interpreting differences among categorical variables is the same as interpreting differences using intervally measured variables.

The phenomenon of regression-toward-the-mean has been known and well documented for many years (Thorndike, 1942). It also has been spelled out in detail in Campbell and Stanley (1963). Yet it continues to plague researchers and readers of research in education and related fields. Major, funded research, supposedly selected and monitored, is no guarantee that matching of individuals from intact groups will not be used as the design. (See Mazurkiewicz, 1966; Asher, 1968.) In fact, in one of the most important educational studies ever done, the federal government's Office of Economic Opportunity (OEO) evaluation of Head Start, used a matched individual design. The investigator in this case managed to match in such a way that it is likely some positive results of Head Start were obliterated by the regression-toward-the-mean phenomenon! Even more disheartening is the fact that the responsible federal officials in OEO's Evaluation Division, who prepared the general design for the Head Start evaluation, seem unaware of the real problem. (For an excellent discussion of these points, see Chapters 10, 10b, and 10c by Campbell and Erlebacher; Evans and Schiller; and Campbell and Erlebacher in *Disadvantaged Child,* Hellmuth, ed. 1970.) The behavioral sciences' literature in addition to education's also has this same error from time to time. (See Croxen and Lytton, 1971; Vockell and Asher, 1973.)

Another type of design problem, and related data interpretation, also involves regression. Occasionally investigators will test a group of students and select those who score lowest on the test for remedial treatment. After the treatment, they will then retest the students and report that there are gains on the test scores. They ascribe these gains to the quality of the treatment invoked. The treatment might indeed be good, but regression effects are also taking place and causing gains. The direction of the regression gain on the second testing for students selected from the bottom of the tested group will be upward toward the mean of the total group.

A typical example again is selecting children for special classes on the basis of low intelligence or school achievement score. If these children are given a remedial curriculum, or *even if they are not,* a second testing will show gains as the result of the regression effect. It is interesting to note that many reports of the effectiveness of remedial and special classes appear in the educational literature, but few present before-and-after test data on classes of gifted students, selected on the basis of their high-tested achievement. A second testing likely would show a *decrease* in scores because of a regression-toward-the-mean (unless maturation and learning effects were sufficient to overcome the regression effect). These results would suggest that when the outcome appears favorable and complimentary to the curriculum developer and

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

November 2, 1977

Dear Congressman Perkins:

I received a carbon copy of a letter sent to you on October 10, 1977 by a William Asher, Professor of Education and Psychological Science at Purdue University. Mr. Asher states that my testimony on the Title I is in error because of a faulty research design.

It is unfortunate that Mr. Asher did not take the time, nor did he have the courtesy, to contact the New York State Education Department concerning my testimony. We are fully aware of the problems he raises in his letter, particularly the phenomenon referred to as "regression toward the mean." The study which I cited in my testimony, in fact, extensively discusses this issue.

If I understand Mr. Asher correctly, his primary objection is that the New York State Education Department accepted a faulty conclusion that "...children who did not participate in compensatory programs scored higher at the end of the year than the Title I children." The study results did indicate that non-participants scored higher than Title I students. Both the study I cited and my testimony clearly indicated that students were not randomly assigned to either the Title I group or the non-participant group, as would be called for in a true experimental design. Had the evaluation of compensatory programs been conducted with a true experimental design, we would be justified in concluding from the data that the overall program treatments were simply not effective in improving students' reading achievement. We did not conclude, however, that the Title I programs were ineffective. Given the uncertainty of the magnitude and direction of regression effects, our conclusion which I cited in my testimony was that "(T)hese results would seem to contain an implicit challenge to the effectiveness of the compensatory education programs involved." Notwithstanding Mr. Asher's objections, we believe the results of our study do raise questions which should be addressed.

I hope that this letter clarifies any misunderstandings which may have arisen as a result of the letter from Mr. Asher. If you require any further clarification on this matter, please contact me and I will be glad to provide whatever additional information that may be necessary.

Sincerely,

Gordon M. Ambach

The Honorable Carl D. Perkins, Chairman
Committee on Education and Labor -
Subcommittee on Elementary, Secondary
and Vocational Education
Rayburn House Office Building
Washington, D. C. 20515

cc: Mr. P. Alistair Mac Kinnon

PART 12: NATIONAL ORGANIZATIONS

TUESDAY, SEPTEMBER 27, 1977

House of Representatives,
Subcommittee on Elementary, Secondary
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 8:30 a.m., in room 2175, Rayburn House Office Building, the Hon. Carl D. Perkins (chairman of the subcommittee), presiding.

Members present: Representatives Perkins, Mottl, Miller, Quie, Jeffords, Goodling, and Pettis.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman **Perkins**. The hearing will come order.

Today we have a panel consisting of Dr. Wilson Riles, Superintendent of Public Instruction, California State Department of Education; Mr. Albert Shanker, President of the American Federation of Teachers, AFL-CIO; Dr. Will Davis, President of the National School Boards Association; and Honorable Jeannette Reibman, Pennsylvania State Senator, Chairman of the Policy Committee of the Education Commission of the States.

STATEMENT OF WILSON RILES, SUPERINTENDENT OF PUBLIC INSTRUCTION, CALIFORNIA STATE DEPARTMENT OF EDUCATION, ACCOMPANIED BY WILLIAM WHITENECK, DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION, CALIFORNIA STATE DEPARTMENT OF EDUCATION: ALBERT SHANKER, PRESIDENT, AMERICAN FEDERATION OF TEACHERS, AFL-CIO: WILL DAVIS, PRESIDENT, NATIONAL SCHOOL BOARDS ASSOCIATION: HON. JEANNETTE REIBMAN, PENNSYLVANIA STATE SENATOR, CHAIRMAN, POLICY COMMITTEE, EDUCATION COMMISSION OF THE STATES

Chairman **Perkins**. Our first witness will be Dr. Riles. Dr. Riles, it is a great pleasure to welcome you here this morning from the great State of California. You have made a wonderful record out there. The record speaks for itself throughout the United States of America. Perhaps you have done as much for the disadvantaged youngster as any school administrator living.

It is a great pleasure to welcome you here. We are delighted to hear from you at this time. You may proceed.

STATEMENT OF DR. WILSON RILES

Dr. **RILES**. Chairman Perkins and members of the subcommittee: As Superintendent of Public Instruction in California, I am deeply grateful for your kind invitation to be here today and share some of my thoughts and concerns regarding the reauthorization of the Elementary and Secondary Education Act and the other important programs contained in H.R. 15.

Before I begin, Mr. Chairman, I would like to express my heartfelt thanks to you for the excellent job you have done in providing the leadership needed to expand the Federal commitment to education while at the same time improving program quality.

Since you assumed the chairmanship of the Education and Labor Committee in 1967, Title I spending has increased by 117 percent while Federal education spending in general has increased by more than 144 percent. Indeed, largely as a result of your strong leadership, the Nation benefits from more than 120 federally supported education programs. Education owes much to you, Mr. Chairman, and to this subcommittee, and I am sure the other witnesses who will be testifying before you today share my feelings about your fine work.

While all of the programs being reauthorized in H.R. 15 are important and deserve your attention, I will confine my remarks to Title I which is by far the largest. With your permission, Mr. Chairman, I would like to submit to the subcommittee a thorough review of the other programs in H.R. 15 within the next few weeks. Of course, I will be more than glad to answer any specific questions you may have today about our experience with all the programs included in H.R. 15.

Mr. Chairman, it is hard to overstate the impact of Title I on the delivery of appropriate educational services to children. Prior to 1965 the conventional wisdom tried to equate the equality of educational opportunity with equal dollars behind every child. The enactment of Title I brought about a fundamental shift in public policy by formally recognizing that students have diverse needs which require differing amounts and kinds of resources.

As you well know, we have come a long way since the enactment of Title I in 1965. Many changes have occurred at the Federal, State and local levels, and I believe one of the most significant and positive changes has been the growth of State compensatory education programs. Today I understand there are some 17 States with their own compensatory education programs.

Although California had enacted pilot legislation in 1963 which focused on the problems of disadvantaged students, it was clearly the adoption of Title I that provided the momentum we needed in California to develop the major State commitment to compensatory education which we call the California Educationally Disadvantaged Youth Act.

Since 1965 other California compensatory education legislation and two State programs for limited- and non-English-speaking students have been enacted and implemented. These programs have grown in size along with Title I to the point that in fiscal year 1977–78 California is spending more than $136 million on State compensatory education programs. This amount is nearly as large as our Title I grant award for this fiscal year—approximately 88 percent.

Furthermore, the comprehensive school finance legislation recently enacted in California to deal with the *Serrano* v. *Priest* case contains provisions which will increase State compensatory education spending to $200 million by fiscal year 1980.

I must hasten to add at this point that California's commitment to the basic goals of Title I has not been limited to dollars alone. Over the last 12 years, we have consistently improved compensatory education programs with State and Federal funds available for this purpose.

As a result, we in California place a strong emphasis on building compensatory education programs which share common commitments to:

1. Ensuring programs are based on clear, thoughtful plans for program improvement at the school and district level;
2. Concentrating on the needs of the individual student;
3. Requiring program evaluation and clear accountability for success;
4. Developing a capacity for comprehensive school site planning which includes students, parents, teachers and administrators; and
5. Ensuring that, to the extent possible, State and Federal funds are allocated in a compatible manner.

However, you must realize that we did not reach this point overnight. In fact, as we began to implement Title I, we became increasingly concerned about the quality of the regular program upon which we were building our Title I services. Without a sound base of ongoing school site activities and a strong link between these activities and the new Federal services, we found that much of the impact of Title I special assistance was lost.

We couldn't resolve these problems alone. Parents, teachers, administrators, all of those interested in improving the quality of education joined us in long discussions on how to improve the regular educational program and thereby increase the impact of Title I.

Largely as a result of these discussions, California recognized in 1972 that a fundamental aspect of a quality educational support system was missing. A concrete incentive for success and accountability was needed at the school level to build a comprehensive educational program for all children. This aspect of the California School Support System has been variously labeled as reform, or restructuring, and now the California School Improvement Program. However, its basic intent has always been to build a comprehensive process at the school site level to respond to the unique educational needs of every child.

Let me tell you why this effort is so important to the success of Title I.

At the heart of the California School Improvement effort is the leverage for total program improvement. This leverage for improvement is created in two ways. First, strong emphasis is placed on assuring that all services at the school site, including those provided as part of the rgular program, the supplemental services of Title I, and the California compensatory education programs, are responsive to the individual needs of students. This focus on service coordination works to improve the quality of the regular ongoing services and creates the critical link with Title I.

Second, program expansion funds for the School Improvement effort are tied to the success of all the participating schools in a district. Because State law requires that in any given year at least half of all schools receiving funds must be among the "most disadvantaged," the School Improvement Program creates a strong programmatic accountability bond between efforts for low- and high-achieving students which simply did not exist before. Consequently, unless districts and schools work together to ensure successful planning and implementation for students in all schools, the district as a whole will not be able to continue to receive expansion funds for its School Improvement Programs.

As you well know, a clear conceptual understanding of how to promote improvement is not enough. Without solid fiscal support there is little point in talking about change. Today I am glad to report that we have made significant progress in this area as well.

As I have already noted briefly, California recently took a giant step forward with the enactment of a massive school finance bill which addresses the total picture of funding education and sets the pace for the entire nation.

As approved by the California legislature and signed by the Governor, the new school finance law will:

1. Increase general support for low-wealth, low-expenditure school districts;
2. Substantially comply with the mandate of the Serrano decision by making equal tax efforts produce equal funding for the overwhelming majority of California school children;
3. Ensure that all physically and mentally exceptional pupils have adequate educational services;
4. Provide additional funds and major program improvements for services to low-income, low-achieving and limited- and non-English-speaking pupils;
5. Phase in the new School Improvement and accountability provisions for grades K-12; and;
6. Recognize the excess costs of providing educational services in the urban areas.

As a result of this increased capacity to deal with our educational problems, the concerns I wish to address today with respect to Title I should be viewed within the context of refining an already powerful Federal-State-local partnership in California. Nevertheless, I feel that these concerns are of paramount importance to our future ability to improve educational opportunity for disadvantaged children in California as well as other States.

Obviously, one of the issues which will be debated most is the formula used to allocate Title I funds. This is indeed an important issue which should receive attention. However, I have chosen not to address this point because I believe there are several major programmatic issues which are of equal, if not greater, importance.

Mr. Chairman, I am concerned about these programmatic problems because the people out there trying to make compensatory education work in the best interests of disadvantaged children are, many times, forced into a position of hypocrisy.

Let me tell a brief but true story that will show you what I mean.

A school principal recently asked a Federal Title I official if it was OK to take 10 non-Title I children in a class of 30 on a field trip. The principal said it would cost no more to include the 10 youngsters on the trip planned for the 20 eligible Title I students. In response, the Title I official said, "No, because the regulations don't allow non-Title I children to benefit from Title I money." Well, the principal asked, "Could the district pay for the non-Title I children?" The answer was no, because it would violate comparability requirements.

The principal was getting confused and frustrated so he proposed leaving the 10 non-Title I children behind and just taking Title I youngsters. The answer was "Certainly not" because that would be an act of segregation.

Well, the principal knew he was licked so he asked the Federal Title I official for some advice. The official was quick to reply that, "I'm not here to make suggestions; it's my job to see that you don't violate the law."

Dejected and disappointed, the principal concluded that he would probably just cancel the whole trip. To that the official pointed out that you ought to have field trips because they provide cultural enrichment for Title I students. Not wanting to violate the law, the principal said, "Okay, we'll have the field trip." The Federal official immediately shot back with the suspicious question, "How are you going to pay for it?" With a slightly confident smile the principal said, "You'll never know," and walked away.

Mr. Chairman, this conversation actually took place and in view of the current complexity and sometimes contradictory mandates of Title I it probably occurs frequently in other districts.

In all seriousness, this example touches on several extremely important concerns which I plan to address.

Let me list the specific provisions of Title I law and regulation that I will be discussing.

Comparability and the impact on State efforts to improve the overall quality of education.

Supplanting and the interrelation of State and Federal compensatory education efforts.

Student Eligibility and Program Development and the requirements of sound educational practice.

Desegregation and recognition of the potential conflict between Title I and desegregation efforts.

Advisory Councils and the need for full participation of all concerned.

Inflation and its impact on program allowances.

State Administration and the need to increase allowances to reflect the increase in State responsibilities.

With respect to each of these issues, let me summarize my concerns for you.

First, as to comparability. Presently the law and regulations require that the State and local services be "comparable" in Title I and non-Title I areas before Title I funds are allocated to eligible schools. Such a provision is needed to ensure that Title I students receive equitable treatment in the allocation of regular State and local resources. However, even with the existing exemption provisions, the comparability requirement inadvertently inhibits and, in some cases, precludes certain types of programs and implementation strategies.

Let me give you an example to clarify my point.

In California we have had difficulty implementing our School Improvement Programs in grades K-3. As I mentioned earlier, the California School Improvement effort embodies a broader educational objective than Title I and requires a phase-in approach to program implementation.

Specifically, two aspects of the School Improvement effort conflict with Title I. First, School Improvement funds do not qualify for an exemption from comparability since these funds are not compensatory in nature. As a result, School Improvement funds must be included in the comparability test which matches all non-compensatory funds in each Title I school with the average of such funds in non-Title I schools.

Second, the phase-in of School Improvement Programs means that some Title I schools may not receive School Improvement funds in the initial years.

Consequently, when the comparability test is made and Title I schools which do not have School Improvement funds are compared with the average expenditures for non-Title I schools, some of which do have School Improvement funds, the comparability equation is violated.

Under current Federal law, the only way to avoid this conflict is to require local districts to phase in almost all Title I schools before non-Title I schools. This narrow alternative would essentially destroy the new linkage I mentioned earlier which encourages high- and low-achieving schools to work together to ensure program improvement among all participants.

As we expand our School Improvement efforts to all grade levels under the authority of our new school finance legislation, the problem will undoubtedly grow.

We believe that Title I and our School Improvement Program can and should work together, because they are both fundamental ingredients in a quality of education.

Therefore, we believe that the existing comparability exemption language should be expanded carefully to include programs like California's School Improvement efforts when it can be demonstrated that the program meets the basic intent of the comparability requirement.

With regard to supplanting, a problem similar to our concern regarding comparability exists in the area of supplanting.

Like comparability, the supplanting requirements in Federal law and regulation were designed to ensure that Title I students are treated equitably in the allocation of State and local resources. To achieve this end, the supplanting provisions prohibit discrimination against Title I schools and children in the allocation of State and local funds including State compensatory education funds.

In States which do not have their own compensatory education programs, the supplenting requirements do not create any unusual problems. However, in States which have their own large compensatory education programs, the supplanting requirements tend to thwart the Federal desire to stimulate continued development of State programs.

In California we have a compensatory education program which is nearly as large as our Title I grant award. As a result, the supplanting requirements make it difficult to ensure an equitable allocation of funds so that some students do not receive duplicate funding while other eligible students receive none at all.

Let me give you some examples of the kind of problems we are currently facing in this area.

Because funds from our State compensatory education program, the California Educationally Disadvantaged Youth Act, must be allocated to districts without regard to the amount of Title I funds received, one district in California generated more than $670 per AFDC child from State and Federal compensatory education sources in 1976-77. There is no doubt that this particular district is in need of supplemental support. However, the combined State and Federal grant level per AFDC child generated at the district level is extremely high—more than 70 percent above the State average, in fact.

If California were allowed to recognize the Federal funds received by this district for the purpose of distributing additional State compensatory education funds, we could allocate new State funds to other more needy districts and avoid increasing the support level in a district which already appears to have excess funds.

As you might imagine, a similar problem exists in allocating Federal and State compensatory funds within districts. In an attempt to allocate available State and Federal compensatory education funds equitably among eligible students, California has required districts to select an appropriate funding level per student within a range specified in State regulation. Currently this range is $350 to $550. Districts receiving compensatory education funds are free to choose any amount within this range from any combination of State and Federal compensatory education funding sources to provide supplementary services to eligible students. Through this mechanism we are better able to match the needs of disadvantaged students with an appropriate level of resources and avoid, in most cases, allocations which are excessive or insufficient.

Unfortunately, a Federal court in California recently found the mechanism I have just described to you to be in violation of Title I supplanting requirements. Although the presiding judge indicated that "the State's action may be correct as a matter of educational policy," he concluded that the district in question had allocated its State and Federal compensatory education funds in a way which technically violated the supplanting requirements.

We understand the court's interpretation and application of the law in this case. However, we believe that the use of such devices is necessary in States like California which have their own large compensatory education programs. Without such mechanisms, there is no way to assure some degree of equity in the distribution of both State and Federal compensatory education funds to eligible students.

As a result of these problems, I would like to recommend that the subcommittee consider an amendment to the current supplanting requirement which would exempt large State compensatory education programs from the supplanting requirements if they meet certain criteria designed to test compatibility with Title I. Such an exemption, with the proper safeguards, could greatly improve the ability of States with their own large compensatory education programs to ensure the maximum utilization of both State and Federal compensatory education funds.

Another major concern which frequently arises with respect to Title I is found in the relationship between fiscal accountability at the student level and the development of sound educational programs which are responsive to the needs of disadvantaged students.

In the last few years, there has been an increasing emphasis in the Federal administration of Title I on ensuring that funds are not used by students who fail to meet a strictly applied definition of eligibility. Although I fully recognize the need for fiscal accountability mechanisms, I believe that such requirements should work in a manner which is conducive to developing educational programs that are effective in meeting the needs of disadvantaged students.

Let me give you some examples of the types of problems I place in this category.

Although law and regulation provide flexibility in the choice of criteria used to select participants, Title I requires that we apply these criteria as if educational need begins and ends abruptly and artifically when a student scores below some specific level, the 50th percentile in California, on an achievement test.

This all-or-nothing appraoch to eligiblity creates, in effect, an eligibility "cliff" over which many needy students tumble even if they manage to score slightly above the cut-off point.

The problems created by such an arbitrary and artificial approach to need and Title I eligibility are twofold. First, many needy students who manage to score slightly above the cut-off lose all of their Title I supplemental services and as a result some of these students may never reach their full potential. Second, from year to year the number of students who meet the narrow definition of eligibility within a Title I eligible school can change radically causing a similar fluctuation in the funds available for Title I services. Such changes make it difficult to maintain consistency in program services from one year to the next.

A closely related problem can be seen in the fact that some valuable educational services are simply not available because local administrators and teachers cannot guarantee that only those students who have been specifically identified as Title I participants will benefit from the services provided. As for those services that are provided, in many cases fiscal accountability can only be assured by segregating the Title I students. Clearly this type of treatment is not always in the best interest of the students.

To bring the relationship between student eligiblity and sound program development and implementation back into balance, I urge the subcommittee to explore the following possibilities, particularly with respect to states which have their own large compensatory education programs.

1. Provide an option that would allow states to declare that all students in Title I schools with high concentrations of the educationally disadvantaged are eligible to receive Title I services. In Title I schools with smaller concentrations of educationally disadvantaged students, such an option should require that a greater emphasis at the Federal level be placed on making a programmatic determination that the services purchased with Title I funds are compensatory in nature and verifying that within reasonable limits funds can be traced to a list of qualified participants.

2. To promote greater continuity in eligibility, develop a provision which would allow students who qualify for Title I to retain their eligibility for 3 years irrespective of their achievement scores.

Another major area of concern which we have is the potential problem between desegregation efforts and the allocation of Title I funds.

As you may know, the student transfers required by many desegregastion plans change the eligibility of both students and schools with respect to Title I funds. To avoid some of the problems created by the implementation of a desegregation plan, it has been suggested that Title I be allowed to "follow the child" on a permanent basis. According to such proposals, students who are now receiving supplemental services would be allowed to retain these services after desegregation even if their new school was not eligible to receive Title I.

The problems created in making the change from a segregated system to a desegregated one can be severe. However, I believe the problems encountered in such a change are largely transitory. Therefore, some sort of limited term "follow the child" approach may be appropriate. It is unlikely, however, that such a digression from the existing allocation system on a permanent basis would be warranted.

I urge the subcommittee to give serious thought to creating a new authorization under ESEA for the purpose of providing additional limited term funding for Title I districts which are implementing desegregation plans. Through such an authority Congress could greatly reduce the potential for non-compliance while at the same time create an incentive to desegregate.

With regard to parent advisory councils, the process used to select Title I advisory councils is another area of concern in California.

The creation of school-site parent advisory councils in the 1974 amendments to Title I was a major improvement which complemented the advisory councils we had already initiated in California as part of our School Improvement Program in kindergarten through grade three.

Because of our early commitment to the advisory council concept, we have had a great deal of practical experience with trying to make them effective. One of the major lessons we have learned over the years is the importance of peer group selection. Presently Title I law and regulations require that parents select all memebers of the advisory councils. Such selection procedures do not promote the teacher-parent-administrator partnership which must exist at the school level if Title I is to be responsive to the needs of disadvantaged students.

Therefore, I recommend serious consideration be given to amending the law to allow all interested parties to take part in the selection of their representatives to the advisory councils. I believe that such a change will have several positive effects.

First, it will significantly improve the effectiveness of the non-parent membership on the council.

Second, it will recognize that the school is a community of many interests which must be represented by peers in order to make site councils effective.

Third, it will increase the effectiveness of the parent majority by encouraging the development of more active and effective involvement of non-parent members.

Another area of concern that deserves your attention in the renewal of Title I is the impact of inflation on the allowances for programmatic support.

While this committee has been working diligently to expand the participation in Title I supported programs, the economy has consistently undermined that effort through inflation.

In 1965–66, when Title I was initiated, we served approximately 224,000 educationally disadvantaged students with our State's entitlement of $78 million. Since that time, our entitlement has increased by 100 percent, yet we are only serving approximately 68 percent more students.

To a great extent, this discrepancy is the result of economic pressures on school costs. The consumer price index, for example, has experienced an 80-percent increase during this same period and school costs typically have grown at an even greater rate since they are heavily influenced by salaries.

It is my feeling that the appropriations process needs to recognize the difference between the growth in program costs resulting from inflation and the provision of funds to serve more students.

I would, therefore, propose that the new legislation instruct the Commissioner of Education and the Director of the Office of Management and Budget to annually prepare a report to Congress on the impact of inflation on Title I expenditures by January 1 of each year.

This information should then be utilized by the appropriations committees to deal with these issues separately by making two distinct appropriations: the first to keep pace with the economy; the second to fund program expansion.

A final area of concern in the renewal of Title I is the administration allowance for State agencies.

As you know, existing law limits State administration expenses to 1 percent of the allowances for local assistance. When Title I was established, this was more than adequate. However, since that time the number of demands placed on SEAs has increased significantly. When this expanded workload is considered along with annual salary increases, the 1 percent limit on State administration is not sufficient.

Therefore, I recommend that the subcommittee give consideration to increasing the level of State support to 1.75 percent of the State's local assistance grants.

In closing, Mr. Chairman, I would like to reiterate my position on one point I made earlier concerning Title I funding.

I am deeply committed to assuring that California gets its fair and just share of Title I funds and my staff and I will be most happy to work with you on alternatives for updating and improving the allocation system. I am, however, even more concerned that Federal and State funds work together to insure and provide the best possible educational program for our youngsters.

I fear, based on the 1974 experience, that the debate over formulas will be totally consuming. I am not alone in this concern. We have discussed this issue and others I have raised with you this morning with many representatives of school districts and interested groups in our State. I can assure you that we stand together in saying to you that the resolution of the issues I have emphasized today are of the utmost importance.

While on this point, it is my understanding that the subcommittee is considering a trip to California later this year. Mr. Chairman, I endorse this proposal since it will allow the subcommittee to verify first-hand in schools and districts the problems I have identified.

I see that the Honorable Congresswoman Pettis has come in. I don't want to give away any secrets, but she seemed to have been hesitant to come on this committee, Mr. Chairman. I wrote her a letter urging that she do so, and I am delighted that she is serving with distinction on this fine committee.

I appreciate the opportunity to have been invited to make this statement. I share your commitment in doing everything I can to improve the education of the disadvantaged youngsters in our State.

I strongly believe the sharing of common experiences among Federal, State and local representatives will improve our programs, increase the effective use of the taxpayers' dollars, and, most importantly, benefit our students.

Thank you, Mr. Chairman.

Chairman PERKINS. Let me first state Mrs. Pettis is an outstanding member of this committee. We all appreciate her being here. She is making a great contribution.

I think we will withhold questions unless you want to say something, Mrs. Pettis, about your State School Superintendent.

Mrs. PETTIS. I would, Mr. Chairman, appreciate the opportunity to welcome Dr. Riles today. We are very proud of him in California.

I am delighted to have you here today. I do have some questions, but I will withhold at this time.

Chairman PERKINS. Thank you. We will withhold questions because we all have several questions to put to these important witnesses.

Our next witness is a gentleman that has been around a long time—Mr. Albert Shanker, President of the American Federation of Teachers, AFL—CIO. Mr. Shanker, it is a great pleasure for me to welcome you here. We will be delighted to hear from you at this time. After your testimony we will hear from Dr. Davis and the other witnesses before we open up for questioning.

Mr. Shanker, you can proceed in any manner you prefer. Without objection any prepared statements will be inserted in the record, and you just proceed in any manner you prefer.

STATEMENT OF ALBERT SHANKER

Mr. **Shanker**. Mr. Chairman and members of the subcommittee, thank you for your welcome. I have a statement, copies of which you have. There are several parts of it which I will emphasize in the few minutes that I will take. I won't read the statement since it is available to you.

[The prepared statement of Mr. Shanker follows:]

STATEMENT OF ALBERT SHANKER, PRESIDENT
AMERICAN FEDERATION OF TEACHERS, AFL-CIO
ON REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT AND RELATED ISSUED BEFORE THE SUBCOMMITTEE ON ELEMENTARY AND SECONDARY EDUCATION
September 27, 1977.

Mr. Chairman and Members of the Subcommittee: I would like to thank you on behalf of the members of the American Federation of Teachers, AFL-CIO, for this opportunity to present their views on the shape and structure of federal aid to education. As you know, the AFT has supported the concept embodied in the ESEA since its conception in 1965 when a membership referendum authorized AFT support for what was then a new concept. I am here today to reiterate that support and to make some suggestions as to how the ESEA programs can be improved in order to maximize the positive effects and common goals which is the concern of all involved with this program. Federal dollars still do not contribute more than about 8% of the total costs of education, this percentage must rise and use of the dollars must also be made more efficient.

As everyone here is well aware, the debate on the 1974 Education Amendments was dominated by that most basic of issues; who would get how much and under what conditions? While the final ESEA Title I formula has obviously worked to the disadvantage of cities, we believe that this issue should be closed and that this year this Committee and its' counterpart on the Senate side should concentrate on educational issues that must be dealt with. This is not to say that finances and related fiscal issues are not a major problem in education today, but simply that we believe it would do little good to re-open the fight over the Title I, Part A formula. To go through such a devisive and counter-productive fight would lead us nowhere.

We believe that the Title I debate should address educational questions. Much attention has been given to the decline in test scores among American students. While Title I has never been exclusively a basic skills, compensatory educational program, there is merit to the idea of using Title I to increase concentrations on basic skills. However, because there are so many demands on Title I funds, we do not believe that Title I, Part A would benefit from a basic skills requirement beyond the 75% of Part A funds currently used for that purpose.

Instead, we suggest a new program similar to the now defunct Part C of Title I. This program should put the funds into school districts with the highest concentrations on disadvantaged children and it should be earmarked exclusively for basic skills instruction. There are many good reasons to do this now; it would provide additional fiscal support to those districts with the very highest concentrations of Title I children and it would demonstrate to the American people that the Congress is addressing what most parents and educators alike feel is one of our greatest educational problems, namely, the decline in basic skills.

What we are calling for here is more of a concept than a program carved in stone. It is certainly possible that other ideas in this area might address this problem but, clearly, Title I is the place and the appropriate method for mounting a federal initiative on literacy, similar to the one made on Science, Math and Languages through NDEA. The need is even greater -- the attention of the American people has been attracted and the prospects for success are only dampened by a lack of resources.

We in the AFT feel that the Title I concept has, by-and-large, been a success. While there are features of the law that should be modified to reduce unnecessary strings, it would be most unwise to simply send Title I funds to local education agencies without guidelines for their use. There is a continuing need for the federal government to require uses of these funds that will best serve disadvantaged children. Requirements which do not contribute to efficiency or sound education practice should be eliminated.

Other proposals have been made to change the nature of the Title I population from economically disadvantaged children to children who are "educationally disadvantaged." While we have always advocated that every child who is educationally disadvantaged should have additional resources devoted to his/her educational problems -- what is being offered would radically change the purpose of the ESEA I program.

Title I has never purported to provide aid to all children with educational problems, it was designed to provide financial assistance to school districts with the largest number of disadvantaged children. Part A is and has always been financial assistance for those districts with the greatest needs. Educational disadvantage does not speak to an LEA's ability to fund services out of its' own revenue. A discussion about expanding Title I services to all children would be appropriate when a real commitment is made to provide additional funds rather than taking funds away from existing districts.

Under current levels of funding a great many economically disadvantaged children are not being served under Title I, and to shift the priority use of funds away from economically disadvantaged children to meet those with an educational disadvantage even though their LEA may or may not be economically impaired is to shift funds away from children, who, in effect, have the double handicap of being both educationally disadvantaged and economically disadvantaged. It is simply not a good policy when using scarce dollars to shift away from concentrating efforts into a scatter-gun approach.

Another aspect of the Title I program that we hope the Committee will deal with are the non-supplanting requirements. We support the idea that federal funds should be in addition to resources generated by state or local governments who are most responsible for funding education. Non-supplanting, however, should mean that Title I children get more services in fact rather than in principle. For example, personnel hired with Title I funds have restrictions on the duties they can perform that in effect add to the duties of other personnel in the school system. By prohibiting Title I personnel from performing routine duties that are the responsibility of all school staff, the practical effect is to increase the requirements in time that regular school employees have to spend on these duties and the result for the student is no net increase in the amount of attention that can be expected in a regular school day. While this may look very good on paper, the practical effect is no net gain in services for the child and a devisive element injected into the school program. More and more school employees are covered by collective bargaining agreements and while it may be difficult for some to accept this as a practical matter, programs that fly in the face of negotiated collective bargaining agreements tend to add educational problems in a school. We suggest that the Committee seriously consider putting provisions into federal education law that acknowledges the reality of collective bargaining agreements and require that programs not be used to try to get around contracts. While we do not feel the Congress should refuse to carry out its responsibilities by neglecting its authority to set policy in this program, we do believe that in most cases there is no conflict between teacher collective bargaining agreements and the requirements of an organized and efficient educational program.

It is useful at this time to point-out that education among all public services has lived with the non-supplanting requirements that local governments and other recipients of federal funds have never been required to observe. It seems clear to us that local educational agencies have been successful in seeing to it that federal money is used in the manner desired by the Congress.

Current studies notwithstanding; there isn't a single federal program that can point to the small amount of misuse of federal funds that Title I and education aid in general can. On a percentage basis less than ½ of 1% of all Title I funds have been called into question.

The final issue that we would like to address is the 10% set aside for handicapped students. We support continuation of the 10% set aside because of the costs of special education programs and the role of the states in them. There can be no doubt that this is a very high priority expenditure and should continue to be funded. The enactment of P.L. 94-142 and the subsequent funding of its state grant programs has not removed the need for a federal set aside in the Title I program. The costs of education for the handicapped children continue to rise and the amounts found in 94-142 are inadequate to deal with the increased costs generated by various federal and state programs. The 10% set aside should act as a supplement to the aid found in 94-142.

ESEA VII. The AFT has long taken the position that federal and state bi-lingual efforts should be transitionary in nature and designed to help non-English speaking children achieve enough skills in the English language so that they can participate in the regular school program. Recent studies seem to indicate that much of what is currently offered as bi-lingual education goes in a different direction. Up to 3/4 of the children in such programs are there because of a surname or ethnic background rather than any difficulty in speaking or reading the English language.

We feel that this problem must be addressed in any extension of the bi-lingual program, to be neutral is not enough because of the pressures that develop on the community-level. To keep ethnic surnamed children in bi-lingual education whether or not they need the services is a serious mistake and a waste of scarce of dollars. Some groups see this program as an opportunity to have the federal government fund a non-English school system, others as a method of establishing a Bi-cultural school system. We would suggest the following approach. A time limit -- possibly two years -- should be established for the termination of services to any child in the program unless an individual evaluation is undertaken and the child is found to have need for instruction in English. We know of no other way to assure the existence of a transitionary program. As long as there is no time limit there will be pressure upon the parents of such children to keep them in the program simply because the more children enrolled in the program, the easier it is to maintain the staff and facilities.

The AFT has experienced difficulty in numerous cities because of this fact. The bi-lingual program is seen as an opportunity for patronage and a vehicle for circumventing collective bargaining agreements. In cases where children have a need for education in a language other than English, they should receive it. But if action is not taken here to see to it that the bi-lingual program retains its transitionary nature, the result will be an education designed to maintain the native language rather than facilitate skills in English. This would be unfortunate for the society, and crippling for the affected children. We do not see the day coming when it will be possible to secure a decent job and living in the U.S. without being able to speak, read and write English. It is naive to think otherwise.

There is a second major problem faced by teachers in the provision of bi-lingual services and that is the lack of adequate training and in-service educational opportunities. The federal bi-lingual program should devote a greater share of its funds to in-service training of teachers. The current reality in city schools is such that retrenchment of employment opportunities is the norm. It is simply unfair to current practicing teachers to not afford them the opportunity to update their skills when new skills will be a necessity for retaining employment. The bi-lingual program should help in this area.

ESEA IV-B and C. These programs should be realigned to put the people programs such as guidance and counseling in with other people programs and media and equipment programs in the same consolidation. It should not be necessary to make a choice between having to use funds for personnel or equipment. Both need a program that will address needs and they should not have to compete with each other.

Further consolidation. We believe that more can be done in the area of consolidation. For example, there are many federal teacher training programs including teacher corps and funds for training under the Bi-Lingual Program, 94-142, Title I, vocational and other specialized forms of education. We believe that it would be useful to consolidate existing training authorities into a new initiative on teacher training. It would be possible to coordinate with and utilize teacher centers as well as augmenting and supporting more traditional campus-based teacher education programs. A major initiative in teacher training could be generated by this federal activity and could work in concert with the basic skills initiative. We also believe that the time is right for a major federal initiative in research. As with teacher training, research authority is scattered throughout many federal programs. While we have no doubts that much of the research that goes on is useful and worthy of support, the effort is so piece-meal and fragmented that federal efforts in educational research at this time have had relatively little impact.

Research authorities, such as those in the Bureau of the Handicapped, Vocational Education and Education of the Disadvantaged and other places should be consolidated into a concentrated research effort controlled by the National Institite of Education. Until this is done, both NIE and other federal research efforts will be less effective then they should and could be.

Impact Aid. Without question, the most controversial program facing us is Public Law 874. Traditionally attacked by Republicans and Democrats, liberals and conservatives, it seems that only that sector of our society that really likes impact aid are those folks who have to work with it. Impact aid is a necessary, justified and effective method for distributing education funds. It requires a minimum of administration and is a model of what a general aid program could be. First the money can be used by local education agencies for those needs which are more pressing. Impact aid can and has been used to help a school district reduce class size, buy needed materials, hire needed teachers, pay salaries and to do many other things that no other federal program is available for. Further, since the Education Amendments of 1974, the law has been substantially reformed by the addition of public housing children. While residing in public housing is not a perfect indication of who needs additional federal support it is as good as anything else we have seen. The AFT does support some changes in the impact aid program. Public housing children should be funded at 100% of entitlement rather than the current 25%. There should be a re-inclusion of postal facilities and workers as eligible for impact aid assistance and strings that are currently placed on the of public housing funds should be removed. We would support the enactment of a $10,000 threshold so that the districts receiving less than that figure would not be eligible for assistance. It also is possible that other formulas may be more efficient than the current one and we would be happy to support improvements that are not designed to cutback on impact aid funding.

Impact aid has become a limited form of general aid to education and should be continued in that direction.

Emergency School Aid. As members of the Committee are well aware, federal desegregation efforts continue to be a major source of contention in the education community. Part of the reason for this is that the emergency school aid program is based on an outmoded concept. Rewarding school districts after the fact of desegregation might have been a viable policy when the schools were not as hard pressed financially as they currently are, but with pressures for more specialized programs, declining enrollment, inflationary pressures and the ever-increasing costs of meeting federal mandates, the Emergency School Aid Act should be completely overhauled. It should become a facilitator for desegregation rather than a reward. It should be used to help school districts undergoing voluntary or court-ordered desegregation to maintain the quality of their programs.

It could be used to hire additional specialized staff to improve education opportunities throughout the district so that some parents will not reject desegregation because they feel their children will be bused to inferior schools. While the sentiment of the Congress will not allow the use of funds for transportation, ESAA should and could be used for everything else and truly become an aid to desegregation. We would be pleased to discuss this in a more detailed proposal at a later date.

General Aid. The AFT has long advocated general aid as the best thing the federal government could do to improve educational opportunity for all children. We again reiterate that position. However, under current budgetary pressures, general aid must not result from a consolidation of folding-in of existing federal assistance programs such as Title I or 94-142. General aid should be over and above existing efforts not as a substitute for them.

Discretionary Programs: It is time to reverse the trends that were precipitated by the past Administration in regards to providing some funds for administrative discretion. We do not believe that the special projects act in its current form contributes to educational progress. The existing program is fragmented and subject to extremes of grantsmanship. It should be changed into a vehicle for the Office of Education to encourage educational development in many areas, including some currently found under the act. If this consolidation occurs, a more efficient and effective federal research effort could be run with existing resources.

We thank the Committee for the amount of time you have put into these hearings and into the study of these issues. The 95th Congress can go down as the Congress that launched an educational initiative that made a real difference in the lives and educational opportunities of millions of our citizens. We hope that will be the case. I would be pleased to answer any questions that Committee might have.

Mr. SHANKER. The first topic I would like to spend a few minutes on is the question of Title I and the basic formula.

We strongly believe that the greater concentration of funds for students who are in need, the more effect the use of those funds will be. However, we do not wish to see another long, protracted and, we think, fruitless conflict over changes in formula as to whether there should be a little more concentration or a little more spread.

We would therefore urge that the basic formula remain what it is, but that we return to the concept which was once part of the Elementary and Secondary Education Act, and that is a Part C, which would provide for even greater funding for those areas where there are the greatest concentrations of children who are in poverty.

We would turn here to some recent concerns which have been expressed all across the country, in terms of declining literacy and declining test scores, and especially a decline in ability in the area of basic skills.

We would urge that there be the equivalent of a Part C restored, with an emphasis on areas with the highest concentration of poverty youngsters, and that that money be specifically used in the earlier grades and with an emphasis on basic skills.

We believe that reaching students in the first, second, third and fourth grades, the time when you either make it or don't in terms of these basic skills, would be a good educational strategy, and in terms of recent concerns, the reaction to the decline in test scores, we feel that politically such a program would be popular as well.

The second item that I would like to turn my attention to is the fact that throughout our education programs, we have sections dealing with teacher training and dealing with research. We cannot say that all of these programs which are separately run, not coordinated at all, are accomplishing very much at the present time. We would therefore urge that you look through the legislation for all those places where there is training money involved in Title I and training for education for the handicapped, bilingual education, and in the various research areas, and attempt to provide an overall consolidation of these areas.

We think this is a time when training, teacher training especially, should be emphasized.

There was a time not very long ago when the average professional life expectancy of a teacher was about 3 years. They came and they went. For the most part, they did not return. To allocate resources during those times for teacher training would have been somewhat foolish, because at the time that the training program was completed, it was likely that the teacher would no longer be with us. But the pattern has changed. Teachers now stay, largely because the profession has become more attractive and also because of the general state of the economy there is just no other place to go.

Given the fact that we now have a staff that is likely to be with us for a long, long time, the investment in training is one which is likely to pay off.

The third point I would like to talk about deals with bilingual education.

We strongly favor bilingual education if what is meant is that those children who cannot function in English should have a transitional program where education is provided in a language which they understand.

It is tough enough for a young child to leave the family and to enter school. It is a rather frightening experience for many children. And that experience is certainly intensified when the child does not speak English.

However, most bilingual programs across the country are not merely transitional programs, and they are not primiarily designed to help the child who speaks no English to become fluent in English as soon as possible so that the child can become part of the regular education program.

Our estimates are that up to three-quarters of the children enrolled in bilingual programs across the country are, one might say, drafted into these programs without their parents' consent and they are drafted because they happen to have a surname which is ethnically identifiable.

We have found many children who speak no Spanish at all, whose parents speak no Spanish, drafted into the bilingual program because more children are needed to fill out the program.

We would urge a continuation of bilingual education, but we think there ought to be a protection, and that is that there ought to be a legal limit of 2 years placed on the amount of time that a child can spend in such a program. After all, if the purpose of the program is to help the child overcome that initial period when he or she does not speak the language. and if the main emphasis is to get the child to be able to function in English, 2 years should be a long enough period of time and perhaps for the few who cannot make it within that 2 years there ought to be a special procedure where someone has to explain and justify why a child after 2 years of education in a bilingual program cannot function with other children.

We believe that the reason that these abuses have taken place is that the original purposes of the program have been distorted, so that for the most part the program is not aimed at helping children to function in English, but bilingual funds have been used to set up schools in other languages, to support some nationalistic notions that pehaps we should become a multi-lingual society, and that children in our country need not read or write or speak English, and also to promote biculturalism.

We submit that these were not the purposes of the enactment of bilingual education, and that there should be changes in the law to see to it that abuses of this kind are eliminated.

The fourth item I would like to address myself to is the emergency school aid and the problems engendered there.

Our locals across the country have faced problems in the last few years with the administration of this money. We believe that the concept of emergency school aid should be changed around so that instead of providing money after desegregation efforts, the money should be used before in order to provide incentives for desegregation within school districts, to provide services and quality so that the tensions which are created in the course of desegregation would be reduced and parents could be assured that if their children are being moved to another school for desegregation purposes that emergency school aid money is available to see to it that the educational program in the school that the child will be going to is of high quality.

We have also experienced in New York and other cities recently the threat that unless all minority group teachers are equally distributed in every school, in every district throughout the city, that we would suffer a cutoff of these funds.

Now, I remember not too many years ago when the same Federal officials were running to New York and to other cities urging community control and decentralization. The whole purpose of community control and decentralization was to give minority groups the opportunity to hire their own teachers on the theory that they would care more, that they would do a better job of hiring, and also on a theory which I don't accept that black children need black teachers and white children need white teachers. But that is something that was being sold just a few years ago.

It is no surprise, therefore, that school districts in cities that are decentralized, New York as an example, that in those cities school districts that are predominantly black have indeed employed black teachers and school districts that are predominantly white have employed predominantly white teachers. And that is what they were supposed to do.

Well, now that they have done it we find that that is very shocking because the teachers are now segregated. And so now, after having restructured the whole city so that black districts could hire black teachers, we now go in to those teachers and say you have a segregated district, and we now have to take all the teachers that you have hired and trained and want, and we have to spread them out so that there are exactly 13.5 percent black teachers or something like that in every school in the city.

We would urge very strongly that you re-examine the use of this money so that that kind of thing does not happen.

We, of course, do not favor segregation, whether of students or of teachers. But we challenge the notion that integration or that an integrated society means that minorities have to be distributed in exactly a certain proportion in every single school in the city or state or country.

In a free society, minorities would be as free as anyone else to move where they want and to be employed where they want, and there might be some areas of concentration and others of great spread and integration. But certainly in a free society you would not find an exact spread of minorities throughout. And we don't think it is right, and we don't think that that is the way these funds ought to be used.

Finally, I would ike to comment on impact aid which over the years has been a constant battle with everybody—liberals, conservatives, Republicans, Democrats. We hope that that fight is over. We do hope that not only is the fight over, but that there will be some improvement in impact aid.

We hope that we will again get an inclusion of postal workers and we hope that the community entitlement for housing children will be increased from its current 25 percent up to full funding.

There are some other questions which I deal with in the written statement. But in view of the time problem, I think I will leave it at that.

Mr. QUIE. [presiding]. Thank you, Mr. Shanker.

Let's turn, then, to Dr. Will Davis, President of the National School Board Association.

STATEMENT OF DR. WILL DAVIS

Dr. DAVIS. Mr. Chairman, my name is Will D. Davis, and I am President of the National School Boards Association. For the purposes of brevity, with your permission, Mr. Chairman, I would like to submit our written statement for the record and summarize from it.

Mr. QUIE. That may be done.

[The written statement of Dr. Davis follows:]

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Testimony on Behalf of the

National School Boards Association

on

The Extension of the Elementary and Secondary Programs

before the

Subcommittee on Elementary, Secondary and Vocational Education

U.S. House of Representatives

Presented by

Will D. Davis
President, National School Boards Association

September 27, 1977

Mr. Davis is accompanied by:

Thomas A. Shannon
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Introduction

My name is Will D. Davis and I am President of the National School Boards Association. I am pleased to have this opportunity to testify before the Subcommittee on the Extension of Elementary and Secondary Education Programs. The National School Boards Association is the only major education organization representing school board members --who are in some areas called school committee members or school trustees. Throughout the nation, approximately, 80,000 of these individuals are Association members. These people, in turn, are responsible for the education of more than ninety-five percent of the nation's public school children.

Currently marking its thirty-ninth year of service, NSBA is a federation of state school boards associations, with direct local school board affiliates, constituted to strengthen local lay control of education and to work for the improvement of education. Most of these school board members are elected public officials. Accordingly, they are politically accountable to their constituents for both education policy and fiscal management. As lay unsalaried individuals, school board members are in a rather unique position of being able to judge legislative programs purely on the standpoint of public education, without consideration to their personal professional interest.

Association policy is determined at the NSBA annual convention at which representatives from across the nation translate policies and resolutions into ongoing programs -- including legislative recommendations.

At the outset, Mr. Chairman, I wish to express NSBA's active support for a continued federal role in public education. Over the years ESEA and related programs have provided vital, and otherwise unavailable, services to millions of public school children. In addition to supporting the overall effectiveness of the major programs, our statement today contains suggested revisions which can result in an even better job of relating to the contemporary needs of pupils and the efficient management of our schools. Specifically, we are urging federal initiatives in the following areas: 1) general aid to education, 2) consolidation of certain categorical programs, 3) creation of a cabinet level Department of Education, 4) reduction of administrative burden, and 5) various revisions under ESEA Title I, the Emergency School Aid Act, and Impact Aid.

But before addressing these revisions, we would like to review briefly some recent federal trends which can help place ESEA within the broader context of the total federal role in education.

I. CURRENT TRENDS

A. Grant Programs

Education Division programs account for about 7% of total expenditures by all governmental levels on public education. With the exception of Impact Aid, these funds are targeted for special needs. And, with the exception of the Education for All Handicapped Children Act, this pattern of assistance has been stable for the past five years.

National School Boards Association testimony on the Extension of Elementary and Secondary Education Programs

ADDENDUM: after page two, add the following page two-a:

B. Economic Recovery Programs

In the area of economic recovery programs, the federal government does provide substantial funding probably totaling in the $1 billion range under the Public Works Employment Act, CETA, Youth Employment and the pending National Energy Act. School boards greatly appreciate the availability of these funds. However, in terms of meeting general operating needs, including the costs of new federal mendates, the economic recovery programs do not provide substantial assistance on a nation-wide basis.

C. Federal Mandates

In the area of federal mandates, school districts must meet Civil Rights obligations with respect to handicap, sex, race and language barrier. The current trend is toward 1) stronger enforcement, 2) more record keeping, and 3) new expenditures, ranging in the billions of dollars, for the handicapped mandates and the architectural requirements under Title IX.

Certainly, our association continues to actively support the objectives being sought by these mandates. And, we are pleased with Congress' willingness to help shoulder a portion of these costs under the Education for All Handicapped Children Act and the Emergency School Aid Act. However, federal assistance will fall far short, by perhaps $3-4 billion, from meeting these mandated costs.

With respect to other federal mandates, local school districts will have to make unemployment compensation payments for their employees -- a cost previously borne by the federal government. In 1978, the cost will be an estimated $400 million over the amount voluntarily expended (this last year. . . .

this last year. In addition, as a federal energy policy emerges, school districts, and in turn, the local taxpayer, may have to pay more in terms of fuel costs or non-exempt energy taxes.

School board members are deeply concerned, particularly in light of declining enrollments, that public support does not exist to finance the vast costs which federal mandates will place on the local tax base. To the extent local taxpayers do not willingly support these costs, already financially pressured school systems will feel the divisiveness between parents and other taxpayers, teachers who want to maintain reasonable salary increases, and those parents who feel that their children's education is being sacrificed for programs not affecting them. Again, without arguing the merits of these objectives, there has been an expansion of federal requirements which create promises but walk away from meaningful funding. If this trend continues, community support for the public schools will suffer.

II. NEW DIRECTIONS IN THE DELIVERY OF FEDERAL AID: GENERAL AID, PROGRAM CONSOLIDATION, CABINET LEVEL DEPARTMENT OF EDUCATION

A. General Aid

From the foregoing discussion, the federal role currently is one of federal assistance to meet special educational needs, assistance related to economic stimulation, and mandates for the local financing of other federal priorities. By 1978, perhaps $10 billion will flow from, or be effectively mandated by, the federal government. Despite this enormous financial impact, the federal role tends to surround, and is not directed at, the general operation of school systems.

Given the range of programs, amount of money and variation of program emphasis from school district to school district, it is our position that the time has come for federal general aid to education. However, to be meaningful, such a general aid program must be funded at a level which can accomplish the following:

1. Meet the cost of federal mandates.
2. Meet the special educational needs of economically disadvantaged children.
3. Permit states to redistribute state aid so that overall equalization can occur without substantial "equalizing down" in so-called "wealthier" school systems.

In terms of distributing the funds, NSBA supports a local entitlement approach which would guarantee each school district a share of the federal dollar based on the number of children attending school in that area. In addition, separate entitlement funding should be made available to accommodate for high concentrations of low income and minority group children.

In order to advance equalization, we recommend that the amount of state aid for any school district should not be reduced to offset increased federal assistance unless pursuant to an approved equalization plan. Even then, federal general aid should be large enough so that a school district does not lose more than 5% of its state aid in any given year. As to the criteria for an acceptable equalization plan, each state should be given the flexibility to determine its own approach--provided that the end product is true equalization. In this regard, NSBA is on record in opposition to the loose fiscal neutrality and disparity standards promulgated under the Impact Aid program.

B. Program Simplification--The Concept / S. 1780 as an Approach

Mr. Chairman, we recognize that a major step forward in the federal commitment would be required to finance the general aid program which we just described. It is our position that, even if that major step cannot be taken immediately, a program should be authorized now, which permits phasing-in over a period of years.

The first step of any phasing-in process should include the consolidation of existing programs. Indeed, next to funding, consolidation represents the most important step which Congress can take to fulfill local program needs within the scope of federally defined priorities. The current categorical structure falls short of meeting local needs for the following reasons:

1. The proliferation of small categorical programs unduly rewards districts which have aggressive grantsmanship programs.
2. Although categorical line-items may reflect nation-wide priorities, grants awarded to individual school districts frequently fund important programs which, however, are not of first priority.
3. Categorical programs encourage the production of federal regulations and guidelines, which, in terms of overall program implementation, reduces local flexibility and draws too much time away from the other responsibilities of central office personnel, principals, and classroom teachers.

In terms of fashioning an appropriate consolidation program, the NSBA Delegate Assembly adopted the following resolution last April:

2.2.4 Extension of ESEA/Consolidation. The National School Boards Association urges the President and the Congress to reauthorize the Elementary and Secondary Education Act, and related programs, but with greater recognition for the appropriate role of each level of government. For the purposes of meeting community needs, encouraging efficient management, and reducing unnecessary federal and state bureaucracy, existing authorities should be deregulated and consolidated with the following conditions:

A. certainty that consolidation will not result in cuts in federal appropriations;

B. establishment of one comprehensive local plan for the use of all federal funds;

C. a funding distribution to local school districts on a local formula entitlement basis;

D. due process rights for local school districts to appeal any state or federal program requirement or funding decision;

and

E. due process rights for students in accordance with state law.

With respect to the specific programs to be consolidated, NSBA supports the notion that funds should not be drawn away from ESEA Title I in order to fund other local priorities. However, as set forth later on in our statement, we do believe that Title I should be substantially de-regulated. In the area of the education of the handicapped, recognizing that such legislation is not within the immediate jurisdiction of this subcommittee, we urge the merger of the various grant programs. Especially since §504 of the Rehabilitation Act of 1973 mandates that school districts must provide all appropriate services, sub-earmarkings for those same purposes appears to be an unnecessary complication. Finally, we would urge the complete consolidation of various of the general instructional supply and curriculum line items--including those relating to textbooks, guidance and counseling, audio-visual equipment, nutrition and health, alcohol and drug abuse, environmental education, reading education and metric education. In terms of satisfying local needs within the range of federal priorities, consolidation in these areas makes particular sense. Further, the burdens of multiple applications to the state and federal level would be substantially eliminated.

As members of the Committee know, S. 1780, the Domenici/Bellmon bill has received considerable informal discussion in the Senate as a vehicle for program simplification. The approach taken by S. 1780 is attractive on a number of fronts. First, the consolidation which it presents can fit within the realities of current funding levels. That is, it consolidates minor programs but provides a special local spending priority for the major programs: ESEA Title I, P.L. 94-142, and the Bilingual Education Act. It should be emphasized, however, that NSBA does not support local flexibility to redirect ESEA Title I funds into the other programs.

Unfortunately, S. 1780 does contain one other serious flaw which does not permit our support for it--as drafted. Specifically, the bill encourages the growth of state bureaucracy to substitute for federal bureaucracy. More precisely, while S. 1780 reduces federal red tape, it provides state departments of education four funding sources for administration: a) existing levels for administration, b) a new line item equal to 1% of total program money, c) another new line item equal to 1% for comprehensive planning, and d) funds from the minor program consolidation title. Operationally, local school officials are concerned by the growth of state bureaucracy, and philosophically we are concerned that the federal government already funds one to two-thirds of most state department operations.

However, if the problems of protecting ESEA Title I funding and of eliminating over-administration at the state level are resolved, S. 1780 would have broad appeal to local school officials.

Mr. Chairman, at this stage we would like to turn to a discussion of a separate Department of Education.

C. Cabinet Level Department of Education

Committee jurisdiction aside, the organization of the administering agency is vital to any discussion addressing the delivery of federal programs. As the members of the Committee know, NSBA has long supported a separate Cabinet level Department of Education. Rather than redeveloping all of the arguments, there is one point that we wish to stress at this time. As departmental status has been debated within the Administration and by members of Congress, from time to time the option of a sub-cabinet department has been raised (such as a Department of Army within the Department of Defense). While that particular option would resolve many of the mechanical problems which school officials have in dealing with multiple agencies, it should be rejected on the larger question that education would not be elevated as a national or federal priority. On the other hand, a cabinet head who 1) has close access to the White House, 2) enjoys the highest stature within the Congress, and 3) has the attention of the mass media, can better represent the needs of education than either a Secretary with multiple responsibilities or an executive of sub-cabinet ranking. For example, the opportunities for school district participation in this and the previous Administrations' economic recovery programs, e.g., public works or general revenue sharing, would have improved with the strength of a Secretary of Education.

As a final point on this issue, we recognize that President Carter is pledged to streamlining the federal bureaucracy. And, while a separate Department of Education may give the appearance of adding one more agency, we do not feel that that end is inconsistent with the President's goal. Indeed, the time is ripe to analyze the federal government's organizational priorities in terms of the change in national needs over the years.

III. FEDERAL PAPERWORK

Mr. Chairman, throughout our testimony today we have emphasized the frustration which school officials are experiencing with the burdens of over-regulation. Perhaps the growth of federal paperwork has been the most striking symbol of that frustration.

The result of seemingly unmanageable increases in federal paperwork has affected school district operations in several ways. Small district superintendents find that they spend unjustifiable amounts of time (and federal funds) working with federal forms--at the expense of other responsibilities. While larger districts can hire grant specialists with their federal funds, the growth of central office staff is becoming a matter of local political concern--especially in the face of declining enrollments. But most importantly, time is being taken away from the educational duties of central office staff, school principals, and classroom teachers as they are becoming increasingly bogged down by the cumulative impact of comparability reports, forms 101 and 102, IEP's, etc.

To help remedy unnecessary regulations, our organization was quite pleased when the O'Hara amendment was passed as a part of the 1974 amendments. That provision permits Congressional disapproval of proposed regulations. Likewise, we were pleased when the Biaggi amendment was passed as a part of the 1975 amendments. That particular provision requires federal officials to publish in the Federal Register proposed data collection forms and time estimates for the completion of such forms. Clearly, Congress and especially this committee understood our frustrations.

Unfortunately, the bureaucracy managed to bypass the legislative purposes of both provisions. Only twice did members of the Committee attempt to challenge the bureaucracy's voluminous regulations. One such occasion, which arose with respect to the Impact Aid equalization regulations, finally resulted in no changes--regardless of documented Congressional intent to the contrary. Likewise, with respect to the Biaggi amendment, HEW officials do not feel bound to publish forms in the Federal Register; and compared to NSBA sponsored surveys, HEW's data collection estimates are greatly underestimated.

To remedy the problem of paperwork we recommend legislative action that would require HEW to do the following:

1. Determine where reporting requirements are unnecessarily duplicative and develop uniform data acquisition forms for all federal programs.
2. Provide sufficient lead time for data collection--especially when data collection formats are changed.
3. Especially within the same year, do not change data collection requirements.
4. Eliminate data collection or reporting requirements which

bear little or no relevancy to the accomplishment of a programs's overall legislative objectives.

5. Adhere to the Biaggi amendment (i.e., Section 406 (g) of GEPA) with additional requirements to publish nation-wide manpower estimates and data collection costs.

In the final analysis, federal officials must be made responsible for requiring only the essential information, rather than the bureaucratically safe approach of requiring all information. Unless that responsibility is assumed, especially within the context of the federal government's 7% funding role and the other duties of local school officials, school boards will simply lost interest in federal assistance.

IV. RECOMMENDATIONS ON SPECIFIC PROGRAMS: ESEA TITLE I, EMERGENCY SCHOOL AID ACT, AND IMPACT AID

A. ESEA Title I

Over the years, ESEA Title I has been the major success story of the federal role in education. Rather than adding to the voluminous number of success stories associated with the program, we would like to recommend several revisions which will make for an even better program delivery system.

Regulation Simplification

Because Title I currently cannot serve all of the children who need to be served, restrictions geared toward protecting the special nature of the program have been placed in the legislation and regulations. Unfortunately, three of these restrictions, i.e., targeting, comparability, and supplement/no supplant have the side-effects of impeding the quality of services which can be offered. Additionally, within the context of the expanding administrative burden posed by the federal level, fulfilling the accounting requirements associated with ESEA Title I becomes an even greater problem. In re-examining the regulatory balance, it should be recognized that, as the appropriations for the program continue to increase, the need for these three restrictions will be far less compelling. Although the Committee may not feel that the time is ripe to totally eliminate all regulatory provisions, we do urge legislative action be taken to recognize some of the negative "side-effects."

For example, the "no supplanting" provision prevents local school districts from using local resources to duplicate successful Title I programs for non-Title I participants. Further, that provision tends to isolate Title I children from other students in the school.

Likewise, funds must be "targeted" to serve the most needy children in the most severly impoverished schools of the LEA. However, children who should be participating in the program are being excluded by the happenstance that there are relatively few other eligible children in their particular attendence area. Similarly, targeting generally prevents high school students from participating in Title I.

Finally, school districts must provide Title I students a level of general support from local resources which is "comparable" to the expenditures made for non-Title I participants. Consideration should be given to permitting increased general local aid to poverty-based schools which are not targeted to receive Title I funds. Further, under comparability, a Title I school cannot opt to increase the number of paraprofessionals and/or the use of instructional equipment, if, in doing so, the student/teacher ratio is increased over the district's non-Title I average. In this vein, we urge that consideration be given to reasonably accommodate these program options.

Distribution of Funds

NSBA fully supports the local entitlement approach for the distribution of Title I funds. A serious question is raised as to how such entitlements should be determined. In this regard, we endorse continued use of the poverty index as a simple and rational measure of a local school district's entitlement. As an alternative, the use of achievement tests has been advocated. It is our concern that testing as a mechanism for distributing funds would be fraught with unworkable administrative problems, unnecessary costs, and funding displacements from school district to school district. Further, while test score allotments do have merit, it is our position that a school district's need for these funds should not be measured by achievement data alone. To some extent the financial base of the school district should be taken into account. In other words, distributing funds on the basis of poverty recognizes both: a) the significant correlation between poverty and special educational need, and b) the significant correlation of financially needy school districts as areas where high concentrations of such children reside.

However, once funds are allocated to the local level, NSBA fully supports locally opted testing within the school district as the sole or primary basis for determining student eligibility.

State Set-Asides

Currently, the Part A Program permits state Departments of Education to fully fund their programs "off the top." On the other hand, local school districts receive a pro rata reduced share of the remainder. As the state share has increased from year to year, service to pupils, (at least in terms of expenditure rates) becomes a function of whether the student is enrolled in a state operated program or in a local school district. This disparity of treatment cannot be justified. Accordingly, we recommend that state and local agencies be funded on the same basis.

Use of Title I Funds for Handicapped

We are deeply concerned that as school districts seek to find funds to meet the federal mandate under §504, Title I funds will be used for that purpose. Currently, handicapped children are eligible to receive Title I funds through the State operated handicap programs and through the regular local program, see 45 CFR 116.2. In light of section 613(a)(2) of the Education of All Handicapped Children Act (P.L. 94-142), we are concerned that the effect of defining physical or mental handicap as a Title I educational deficiency may be to annex ESEA Title I to all of the program requirements contained in P.L. 94-142. Given the amount of funds required to satisfy these new handicap requirements, existing compensatory education efforts may be greatly reduced as districts substitute, and Congress appropriates, Title I funds in place of funds for P.L. 94-142.

Parent Advisory Councils

Conceptually, NSBA supports Title I parent advisory councils as a means for school boards to effectively receive citizen opinion with respect to the operation of the program. We are concerned, however, that in more than an isolated number of cases, PACs have misconstrued their advisory role. In such instances the PACs have sought to place themselves between, or to assume the authority of, the elected school board (as policy makers) and the superintendent (as the chief executive officer). On the other hand, in a fair number of school districts, Title I parents have not been willing to meaningfully pursue service on these committees. We would recommend that a greater instructional effort be made for PACs in terms of defining the limits of their advisory role, as well as the kinds of positive contributions they can make in that capacity.

Indeed, the question of the role of citizen advisory committees was addressed in the recently published Gallup survey entitled "Ninth Annual Gallup Poll of the Public's Attitude Toward the Public School." Legal and educational management concerns aside, public opinion strongly suggests that in those instances where advisory committees have assumed policy direction, that their precise role should be clarified. In this Gallup survey, it is important to note that public school parents as a group more strongly supported the final authority of the school board in even higher percentages than other groups surveyed. An interpolation of that survey follows:

	curriculum	staff selection	budget
authority with citizen groups	15%	13%	19%
authority with school board	78%	80%	72%
don't know/no answer	7%	7%	9%

One legal restriction which we would like to see placed on PACs relates to the increasing number of trips that these groups are taking. In larger school districts, PAC budgets can run into six figures. In lieu of trips, the federal funds would be better spent on delivering Title I services to the children.

Emergency School Aid Act

NSBA resolutions have continuously supported the purposes sought by the Emergency School Aid Act. Since its inception ESSA has funded a large number of outstanding instructional programs to meet the special needs of desegregating school systems. Therefore, it is particularly unfortunate that the poor management of the program has significantly eroded its support from the local level. Increasingly, school districts are advising us that because of the management difficulties encountered they wished they had not become involved in the program from the outset. Ironically, the most disappointed districts have been those seeking voluntary instructional remedies.

Typically, school districts find that the regional office of OCR has one set of requirements, which, in turn, may be augmented or totally revised by the ESAA and OCR offices in Washington, D.C. These changes frequently come after an enormous expenditure of limited staff resources and financial outlay. But the problems with ESAA reach beyond poor coordination between federal program officers. Especially in the Atlanta region, there have been examples of school districts seeking voluntary programs only to be advised that if they did not establish particular programs they would be deemed to be out of compliance with Title VI of the Civil Rights Act. In other words, a situation has developed wherein a federal regional office is effectively converting a grant application into a curriculum mandate. It is our position, regardless of whether the school district's ESSA application is subsequently approved, that such federal curriculum controls are not within either the philosophy or legislative intent of the federal role.

Likewise, we are aware of situations throughout the country in which plans are approved in one year, and without even a change in circumstances, are deemed to be not only inadequate for grant renewal in the subsequent year but a violation of the Civil Rights laws. In such situations school districts are frequently invited to sign waivers (i.e., an admission of a Title VI violation) to avoid a cut-off of funds. In light of the jeopardy in which school districts are placed, it is difficult for them to seek voluntary assistance from the federal government.

While we urge the Committee to favorably consider an extension of the program, we would strongly urge that the legislation provide for efficient administration and a more cooperative relationship between levels of government.

On the programming side, because ESAA is limited to instructional expenditures, those funds cannot be expended on items necessary to create a desegregated environment (e.g., the purchase of school buses, addition of central office staff). For those school districts which are encountering financial difficulties, we would urge that those desegregation costs be included as appropriate grant expenditures.

C. IMPACT AID

NSBA continues a total commitment to the Impact Aid program. Over the years this program has proven itself to be the most efficient and popular of the federal aid to education programs. Unfortunately the program continues to be misunderstood by its critics. Our comments include a general justification for the program, and recommend revisions with respect to public housing and equalization.

General Justification

As the Committee knows, when the federal government establishes its business in a particular locality a double edged burden is placed on the school system. First, the property used by the federal government is exempt from taxation. Since the local property tax is education's basic revenue source, and accounts for nearly one-half of education expenditures from all levels of government, the revenue loss is substantial. Second, the federal business, typically a military base, brings employees into the area with children who must be educated by the public schools. In addition, other revenue losses are incurred to the extent that military personnel a) claim another state of residence for the purposes of state income tax and b) avoid local sales tax through the use of commisary privileges. Finally, to the extent that federal activities draw lower income people into the area, the need for high cost educational services often arises.

Unlike other federal aid to education programs, Impact Aid was not intended to meet special needs. Rather, it is a program of partial reimbursement to the school district. In this regard, the amount of payments constitute only a portion of the taxable value of the property involved. Payments are made for the number of federally connected children enrolled in the schools. More precisely, payments vary depending upon whether the parents are military or civilian employees, whether the parents live as well as work on tax exempt property, and whether the federal property is located within the school district where the children are to be educated. In addition to not reflecting property values, since these payments are scaled to reimburse districts for losses to their per pupil expenditure rate they cannot be said to be excessive.

The center of criticism for the program relates to its operation in the Washington, D.C. area. Specifically, there are a large number of high salaried civilian workers, residing in wealthy suburban school districts, who are employed on government property located in another state, i.e., Washington, D. C. Accordingly, it is argued that there is neither a tax burden nor an economic need to justify large impact aid payments to the suburban districts. While this argument does not recognize that "out of state" employees flow in both directions, the important point is that the 1974 revisions eliminated payments on that basis. Unfortunately, program critics, particularly in the Office of Management and Budget, apparently have not kept abreast with the legislation.

Public Housing Payments

NSBA was among the original supporters for extending payments on the basis of children living in low rent public housing units. At this stage, while school districts are pleased to receive payments for these children, there is considerable concern as to how the funds must be spent and how the program is being administered.

Public housing entitlements were conceived as reimbursement to the school district for the low tax revenues associated with low income housing. Additionally they recognize the high cost programs which public housing students frequently require.

Although there are no restrictions on the use of the funds contained in the 1974 amendments, there is accompanying conference report language requiring that the funds be spent on special projects for educationally deprived children. Apart from being inconsistent with the general aid/reimbursement nature of the Impact Aid program, this little provision now has its own set of regulations. In fact, school districts must submit an application to their state Title I offices. The result has been confusion in management and delay in funding. It is our recommendation that public housing payments be treated in the same manner as other section 3 payments.

Equalization

During July, 1976, considerable time was spent by members of this Committee with regard to the Office of Education's efforts to implement equalization regulations. In effect, those regulations would have converted the equalization exception under section 5(d)(2) into an open invitation for states to take a local school district's impact aid payments into account for the purposes of distributing state aid--without achieving high standards for equalization. Accordingly, NSBA was very pleased by the action of the Congress to defer implementation of the equalization exception until next July. In order to prevent potential weakening of the program and to encourage true equalization, either that delay should be extended or the legislation should define acceptable equalization standards. In this regard, we would be pleased to submit our separate comments to the Committee on this problem.

V. OTHER: COMPETENCY TESTING/BILINGUAL EDUCATION

Competency Testing

Nationwide, there has been broad public concern over the educational proficiency of students upon completion of high school. As a step forward raising minimal proficiency levels, more than half the states have enacted legislation or issued State Board rulings requiring competency testing. At the federal level, two bills have been introduced in the Congress to establish a national system of testing (i.e., H.R. 6088 and H.R. 7116). NSBA opposes such national legislation on several grounds. Mainly, we believe that it is inappropriate for the federal government to determine the standards or process for high school graduation. In this regard, not only does the bill require an examination, but also specifies the kind of skills which would be tested. Finally, it authorizes a national commission to determine standards of proficiency for those skills. We are concerned that the end result of this legislation will be unprecedented federal control over curriculum. Especially since states are already taking action in this area, we believe that this well intended legislation should not be given favorable consideration.

Bilingual Education

In various portions of our testimony, we have objected to curriculum decisions made by federal program officers. Bilingual education is one area wherin this has been a problem. For example, we are aware of situations under the Emergency School Aid Act that federal officials have recommended biculturalism even though both the parents and the school system preferred intensive English instruction. It is our recommendation that under ESSA, the Bilingual Education Act, and other authorities that local school districts be unhampered in fulfilling their duties to provide the type of instruction which they deem appropriate.

Mr. Chairman, on behalf of the National School Boards Association, I wish to thank you for this opportunity to testify.

Dr. DAVIS. In addition to supporting the overall effectiveness of the Federal aid to education programs, our statement urges Federal initiatives in the following areas. 1) general aid to education; 2) consolidation of certain categorical programs; 3) creation of a separate cabinet level Department of Education; 4) reduction in administrative burden; and 5) various revisions of existing programs.

But before addressing these revisions, it might be helpful if we first moved up a step and examined the total Federal role in education within its broadest context.

The Federal role currently consists of three components. First there are the categorial programs to meet special needs. With the exception of funding under the Education of the Handicapped Act, these programs have provided a relatively stable financial commitment over recent years.

Second is the emergence of the economic programs such as Public Works, CETA, Youth Employment and the pending National Energy Act. While these programs are not directed at public education per se, they do represent the real growth of the Federal financial commitment to school districts.

Third is the expansion of certain Federal mandates.

In essence, these are Federal priorities which must be funded at the local level.

Because of the importance of these Federal mandates, and their relationship to this Committee, I would like to expand on that area for a moment.

Basically, school districts must meet civil rights obligations with respect to handicap, sex, race and language barrier. Despite school board support for the objectives sought by these mandates and Congress' efforts to at least partially fund the attendant expenses, in the next few years there will be a tremendous funding short-fall, perhaps in the $3 billion to $4 billion range.

Additionally, school districts, that is local taxpayers, will have to raise an estimated $400 million to meet the costs of federally mandated unemployment compensation payments, and an undetermined amount as a Federal energy policy emerges.

School board members are deeply concerned, particularly in light of declining enrollments, that public support does not exist to finance the vast costs which Federal mandates will place on the local tax base. To the extent local taxpayers do not willingly support these costs, already financially pressured school systems will feel the divisiveness between parents and other taxpayers, teachers who want to maintain reasonable salary increases, and those parents who feel that their children's education is being sacrificed for programs not affecting them. Again, without arguing the merits of these objectives, there has been an expansion of Federal requirements which create promises but walk away from meaningful funding. If this trend continues, community support for the public schools will suffer.

Therefore, in returning to the broad context, while categorical programs have provided invaluable assistance to public education, growth in other areas has created a shift in the school board approach toward the Federal role.

Despite the billions which flow from, or are effectively mandated by, the Federal Government, while Federal aid is aimed at the edges of school operation, or at special needs, very little attention has been given to the basic school setting.

Given the range of programs, amount of money and variety of needs from school district to school district, it is our position that the time has come for general aid to education. Our written statement outlines the various conditions which we would place on a general program, including continued funding for disadvantaged students.

Assuming that general aid may require a multi-year phasing-in process, we recommend that, as a part of the first step, greater strides be made to simplify existing programs.

Our written statement outlines our approach in this area. Basically we seek the submission of one comprehensive local plan for the use of most Office of Education programs.

With regard to the State role, local school districts are concerned that any effort to simplify Federal regulations should not be with the encouragement of increased State bureaucracy. Under this grant, with the exception of an earmarking for disadvantaged students, school districts could then pursue their own needs within the range of Federal priorities. Therefore, for the purposes of 1) meeting community needs, 2) providing certainty of funding and 3) reducing grantsmanship, as much funding as possible should be distributed on a local entitlement basis.

Because of jurisdictional points, we will only mention our continuing support for a cabinet level Department of Education. We totally reject the notion that the needs of education can be met by a department located under an umbrella Department of Human Resources or Department of HEW.

Mr. Chairman, throughout our testimony today we have emphasized the frustration which school officials are experiencing with the burdens of over-regulation. Perhaps the growth of Federal paperwork has been the most striking symbol of that frustration.

The result of seemingly manageable increases in Federal paperwork has affected school district operations in several ways. Small district superintendents find that they spend unjustifiable amounts of time, and Federal funds, working with Federal forms, at the expense of other responsibilities.

While larger districts can hire grant specialists with their Federal funds, the growth of central office staff is becoming a matter of local political concern, especially in the face of declining enrollments. But most importantly, time is being taken away from the educational duties of central office staff, school principals and classroom teachers as they are becoming increasingly bogged down by the cumulative impact of comparability reports, forms 101 and 102, IEPs, etc.

In discussing this area, we do appreciate the efforts which this committee made to enact the O'Hara and Biaggi amendments. Unfortunately the bureaucracy managed to by-pass the legislative purposes of both provisions.

To remedy the problem of paperwork we recommend legislative action that would require HEW to do the following.

1. Determine where reporting requirements are unnecessarily duplicative and develop uniform data acquisition forms for all Federal programs.
2. Provide sufficient lead time for data collection, especially when data collection formats are changed.
3. Especially within the same year do not change data collection requirements.
4. Eliminate data collection or reporting requirements which bear little or no relevancy to the accomplishment of a program's overall legislative objectives.
5. Adhere to the Biaggi amendment, i.e. Section 406(g) of GEPA, with additional requirements to publish nationwide manpower estimates and data collection costs.

In the final analysis, Federal officials must be made responsible for requiring ony the essential information, rather than the bureaucratically safe approach of requiring all information. Unless that responsibility is assumed, especially within the context of the Federal Government's 7 percent funding role and of the other duties of local school officials, school boards will simply lose interest in federal assistance.

Turning to our discussion for specific programs, we have recommendations under ESEA Title I, the Emergency School Aid Act and Impact Aid.

Under ESEA Title I, our statement urges that legislative action be taken to recognize some of the negative side-effects of targeting, supplement/no supplant and comparability.

For example, the no-supplanting provision prevents local school districts from using local resources to duplicate successful Title I programs for non-Title I participants. Further, that provision tends to isolate Title I children from other students in the school.

Likewise, funds must be targeted to serve the most needy children in the most severely impoverished schools of the LEA. However, children who should be participating in the program are being excluded by the happenstance that there are relatively few other eligible children in their particular attendance area. Similarly, targeting generally prevents high school students from participating in Title I.

Finally, school districts must provide Title I students a level of general support from local resources which is comparable to the expenditures made for non-Title I participants. Consideration should be given to permitting increased general local aid to poverty-based schools which are not targeted to receive Title I funds.

Additionally, our statement supports continuing the distribution of funds on a local entitlement basis, utilizing local income as the means for determining school district allocations rather than test scores, although NSBA strongly supports the use of test scores for determining service within the school district.

With respect to Parent Advisory Councils, conceptually, NSBA supports Title I parent advisory councils as a means for school boards to effectively receive citizen opinion with respect to the operation of the program.

We are concerned, however, that in more than an isolated number of cases PACs have sought to place themselves between or to assume the authority of the elected school board, as policy makers, and the superintendent, as the chief executive officer.

In a recent Gallup survey, it is important to note that the public as a whole and parents most particularly strongly supported the final authority of the school board vis-a-vis citizens groups on questions of curriculum, staffing and budget. On the other hand, in a fair number of school districts, Title I parents have not been willing to meaningfully pursue service on these committees.

We would recommend that a greater instructional effort be made for PACs in terms of defining the limits of their advisory role, as well as the kinds of positive contributions they can make in that capacity.

One legal restriction which we would like to see placed on PACs relates to the increasing number of trips that these groups are taking. In lieu of trips, the Federal funds would be better spent on delivering Title I services to the children.

NSBA resolutions have continuously supported the purposes sought by the Emergency School Aid Act. Since its inception, ESAA has funded a large number of outstanding instructional programs to meet the special needs of desegregating school systems. Therefore it is particularly regrettable that because of difficulties in working with Federal officials, that school districts are advising us that they wished they had not become involved in the program from the outset. Ironically, the most disappointed districts have been those seeking voluntary instructional remedies.

Specifically, situations have developed wherein a Federal regional office is effectively converting this grant application into a curriculum mandate, including the very controversial area of bicultural, bilingual instruction. It is our position, regardless of whether the school district's ESAA application is subsequently approved, that such Federal curriculum controls are not within either the philosophy or legislative intent of the Federal role.

While we urge the committee to favorably consider an extension of the program, we would strongly urge that the legislation provide for efficient administration and a more cooperative relationship between levels of government.

NSBA continues a total commitment to the Impact Aid program. Over the years this program has proven itself to be the most efficient and popular of the Federal aid to education programs. Our statement includes a general justification for the program and recommends revisions with respect to public housing and equalization.

With respect to public housing, NSBA was among the original supporters for extending payments on the basis of children living in low-rent public housing units. At this stage, while school districts are pleased to receive payments for these children, there is considerable concern as to how the funds must be spent and how the program is being administered.

Specifically, under the 1974 amendments, there is accompanying conference report language requiring that the funds be spent on special projects for educationally deprived children. Apart from being inconsistent with the general aid/reimbursement nature of the Impact Aid program, the Federal agency has given this little provision its own set of regulations, which require that school districts submit an application to their State Title I offices. The result has been confusion in management and delay in funding.

It is our recommendation that public housing payments be treated in the same manner as other Section 3 payments.

During July 1976 considerble time was spent by members of this committee with regard to the Office of Education's effort to implement equalization regulations. In effect, those regulations would have converted the equalization exception under section 5(d)(2) into an open invitation for states to take a local school district's impact aid payments into account for the purposes of distributing State aid, without achieving high standards for equalization.

Accordingly, NSBA was very pleased by the action of the Congress to defer implementation of the equalization extension until next July. In order to prevent potential weakening of the program and to encourage true equalization, either that delay should be extended or the legislation would define acceptable equalization standards.

In this regard, we would be pleased to submit our separate comments to the committee on this problem.

Nationwide, there has been broad public concern over the educational proficiency of students upon completion of high school. At the Federal level, two bills have been introduced in the Congress to establish a national system of testing, i.e., H.R. 6088 and H.R. 7116. NSBA opposes such national legislation on the ground that it is inappropriate for the Federal Government to determine the standards or process for high school graduation. Especially since more than one-half of the States have already taken action in this area, we believe that this well-intended legislation should not be given favorable consideration.

Mr. Chairman, on behalf of the National School Boards Association, I wish to thank you for this opportunity to testify.

Mr. QUIE. Thank you, Dr. Davis. We will now turn to our last witness, Jeanette Reibman, State Senator.

STATEMENT OF HONORABLE JEANETTE REIBMAN

Mrs. REIBMAN. Thank you, Mr. Chairman. My name is Jeanette Reibman. I represent the 18th senatorial district, and I chair the Senate Education Committee in the Pennsylvania State Senate. I am currently serving as chairman of the Policy Committee of the Education Commission of the States, ECS, and appear today on behalf of ECS to testify on the need for legislation to extend and amend Title I of the Elementary and Secondary Education Act.

With me are several members of the ECS staff who will be available to assist in answering any questions the subcommittee might have, and I appreciate having this opportunity to appear and hope that our testimony will be helpful.

I wish also to express our appreciation to the members of this committee and to the Congress of the United States for focusing national attention for special needs for children and helping to provide for those needs.

I have a rather lengthy prepared statement and supporting materials, which I believe have been distributed to the members of the committee. Rather than read that——

Mr. QUIE. Without objection, it will be made a part of the record.

[The information follows:]

TESTIMONY BY

STATE SENATOR JEANETTE REIBMAN OF PENNSYLVANIA

ON

REAUTHORIZATION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

U.S. HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 27, 1977

ON BEHALF OF THE

EDUCATION COMMISSION OF THE STATES

TESTIMONY BY

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TUESDAY, SEPTEMBER 27, 1977

Mr. Chairman, Members of the Subcommittee:

My name is Jeanette Reibman. I represent the 18th senatorial district and I chair the Senate Education Committee in the Pennsylvania state senate. My home is in Easton, Pennsylvania. I am currently serving as Chairman of the Policy Committee of the Education Commission of the States (ECS) and appear today on behalf of ECS to testify on the need for legislation to extend and amend Title I of the Elementary and Secondary Education Act. With me are several members of the ECS staff who will be available to assist in answering any questions the Subcommittee might have. I appreciate having this opportunity to appear and I hope our testimony will be helpful.

As a preface to specific comments on Title I of the Elementary and Secondary Education Act let me briefly review the ECS policy process as it bears on this matter. At the Commission's Annual Meeting in May of 1976 the bylaws were amended to establish a permanent policy committee. This was done in response to a desire among state officials to create an ongoing means of focusing attention on major areas of concern to the states, especially as a means of promoting a more cooperative and effective state/federal partnership in education.

Over the past year the ECS Policy Committee has identified a number of issues of concern in federal policy and worked to identify and define areas where change is required. One of these is the field of compensatory education — perhaps the major area of federal involvement in education through Title I of the Elementary and Secondary Education Act. At the ECS Annual Meeting in June of this year the Commission adopted a policy statement on compensatory education and specifically on Title I. This statement was the product of a lengthy period of examination and analysis by the Policy Committee and my testimony today is based on that statement and its conclusions. I request that a copy of that statement be made a part of the hearing record.

This policy statement was developed in cooperation with the four other major national state organizations: the National Governors' Association, the National Conference of State Legislatures, the Chief State School Officers and the National Association of State Boards of Education. While the details of the positions of these organizations vary, each emphasizes several common themes representing the position of the states on federal education policy.

The National Governors' Association has requested that I indicate its full support of this testimony and I request that a copy of the policy position of NGA on Title I be made a part of the record of this hearing.

The ECS policy statement was adopted without the benefit of the final results of the National Institute of Education study of compensatory education. We have taken into consideration the first two reports from the NIE study in this testimony and expect to refine our position on the reauthorization of Title I as additional reports become available.

Because the focus of ECS is on state policy and the effect of federal programs on it, my testimony will focus on the need for modifications in Title I which will facilitate better use of federal and state money to meet the needs of disadvantaged students.

There is no doubt that Title I has been a major factor in focusing national attention on the need for special services for the disadvantaged student. Its enactment in 1965 was a giant step forward for education in the country and it has supported the provision of badly needed services to many children who would not have been served otherwise. Title I has also drawn attention to the needs of disadvantaged students and has stimulated states and local education agencies to commit additional funding for compensatory education and to develop effective instructional methods and services to meet the needs of disadvantaged students. We strongly support the continuation of this program. My testimony today is addressed to the need for modifications which are necessary to improve the equity and administration of Title I in light of current circumstances.

As a legislator dealing regularly with education issues in Pennsylvania I believe it is important for us to recognize the limits of our abilities as legislators to achieve educational results through statutory law and regulations. In the final analysis, state and federal education programs can put money in certain districts and schools for certain purposes but the accomplishment of learning will depend upon the capacity of the staff and the instructional environment created within the school or other instructional forum. I make this point because it is essential both at the federal and state levels that we recognize the limits of our legislative power and seek to do the best possible job within those limits.

I would submit that our collective responsibility in formulating public policy in education should be guided by four basic criteria:

(1) Programs should apply services or benefits equitably, and if intended to meet the needs of specific students, the programs should be targeted to those students;

(2) Federal education programs should not be viewed in isolation from state and local education programs and, insofar as possible, federal and state programs aimed at the same problems or students should be mutually supportive and complementary;

(3) Federal and state programs should stress decentralization to the local level of establishment of standards, design of curriculum and implementation of procedures appropriate to local needs and circumstances; and

(4) Where possible, accountability should be for results, rather than for compliance with detailed procedural requirements and restrictions which do not have a clear and positive relationship to legislative goals should be eliminated.

My statement will focus on four interrelated problems which should be addressed in the reauthorization of Title I:

(1) The need for additional federal funding for Title I;

(2) The special problems of school districts and school buildings with high concentrations of disadvantaged children;

(3) The need to eliminate barriers in federal law to development of state compensatory education programs and to the state-level interrelation of federal and state compensatory education programs;

(4) The application of federal funds at a district and school level to provide compensatory education for children excluded from present programs.

FUNDING

Concerns about appropriation levels should, I understand, be addressed to the Budget and Appropriations Committees. But since several of the problems we address result from adjustments necessary because of inadequate funding, I feel that it is important to emphasize the issue before this Subcommittee also. The most recent report of the NIE Study, Compensatory Education Services, indicates that only one-half of the economically disadvantaged children counted for the purposes of the Title I formula are designated as eligible, for Title I services. Then, of those designated as eligible, only 66 percent actually receive Title I services. If the federal government were to provide funding only for the number of children currently determined to be Title I eligible (not the larger number counted in the formula), the Title I formula would require an appropriation of approximately $5.34 billion in academic year 1977/78. This is in comparison to the $2.3 billion actually available for this year and the $2.7 billion in the FY 1978 appropriations bill for use in 1978/79.

Let me say that the ECS position, and my own personal position, is that compensatory education services should be provided to every child in need of such help.

May I quote some statistics from the National Assessment of Educational Progress, a project of the National Center for Education Statistics operated by ECS, and the Bureau of Labor Statistics which serve to dramatize the extent of the unmet needs for compensatory education in the nation.

A survey conducted by NAEP for the Right to Read Program examined the functional reading performance of 17-year-old students in 1971, 1974 and 1975. Right to Read defined being functionally literate as "being able to perform tasks necessary to function in American society, such as reading newspapers, instructions and even drivers' license tests." Using this guide, NAEP found that 87 percent of 17-year-old students are functionally literate. Among white 17-year-old students, almost 92 percent were found to be functionally literate, contrasted with little more than 58 percent of the blacks. Ninety-five percent of the urban-fringe students achieved the functional literacy criterion, while only slightly more than 78 percent of those from the disadvantaged urban areas did so.

While functional literacy is not necessarily related to unemployment, there is clearly some relationship. The Bureau of Labor Statistics reported in October 1976 that the unemployment for youth 16 to 24 in October 1976 for those enrolled in school was 12.5 percent for whites and 30.3 percent for blacks. The figures are even more striking for youth not enrolled in schools, for school dropouts and other groups. Title I is focused primarily at the early age levels, but the cumulative effect of lack of attention to compensatory education needs is clearly evident in these statistics.

So long as we tolerate inadequate educational services for any child we are cheating not only that child but the future economic and social well-being of the nation as well. Accordingly, we are disturbed that large numbers of needy children are excluded from Title I because of inadequate funding. The answer, we believe, lies first in substantially increased funding for Title I and second, in a series of changes in Title I to make more efficient use of not only federal funds but also state funds aimed at meeting the needs for compensatory education.

CHILDREN IN SCHOOLS WITH HIGH CONCENTRATIONS OF DISADVANTAGED CHILDREN

Let me first address the question of concentration. The Declaration of Policy in Section 101 to Title I reads as follows:

> In recognition of special education needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to

> support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

This policy makes profoundly good sense but because of inadequate funding and the current means of distributing funds and determing program eligibility, the policy is not well served by the present Title I program.

The exclusion from Title I of a large number of children in need of compensatory education results from the anomalies of the current system of allocating funds to local educational agencies (LEAs) and within LEAs to schools with high concentrations of economically disadvantaged children.

A recent study of Title I conducted by Systems Development Corporation for the U.S. Office of Education found that many schools with low concentrations of economically disadvantaged students receive Title I funds. The study found that while there was a general correlation of incidence of poverty and Title I program it was not nearly as high as one would expect. For example, of over 5,000 schools surveyed of those with better than 50 percent poverty population only 90 percent received Title I money, of schools with 21-50 percent poverty students only 79 percent received Title I funds, while of schools with less than 20 percent poverty students, 53 percent received Title I funds. In reporting on the study Education Daily commented, "A lot of those schools have relatively low concentrations of poverty students, and OE admits that's puzzling, since Title I is currently supposed to be allocated according to economic disadvantage." (Education Daily, September 2, 1977)

This situation is the result of two factors. The first, which I have already addressed, is inadequate funding. The second is the impact of federal regulations which compel the exclusion of large numbers of disadvantaged children as well as large numbers of schools with high concentrations of disadvantaged children. The Title I program has a basic internal conflict. It speaks of concentrating funds in districts with high concentrations of poor children while providing money to 85 percent of the school districts in the country.

When Title I was enacted in 1965 it was popular to speak of "hidden poverty" and the need for compensatory programs for disadvantaged students wherever they might be. According to the System Development Corporation report Title I reached 68 percent of all elementary schools. From these statistics it would seem that the objective of serving disadvantaged children without regard to the characteristics of the LEA in which they are located is well served. However, there is a darker side to this picture as well.

To accommodate the shortfall in appropriations under the "ratable reduction" provision of Title I the U.S. Office of Education has prescribed by regulation a process which dictates how LEAs should allocate funds to schools under their jurisdiction. Essentially that process requires an LEA to determine the district-wide percentage of economically disadvantaged students. Any school swhich has a higher incidence of economically disadvantaged students is eligible for Title I funds. The LEA may commit Title I funds to all such schools but it must do so in descending order of concentrations. Within a school district this is a quite rational means of concentrating Title I money. Within a state it is not consonant with the expressed objective of the legislation for the simple reason that the incidence of low-income students varies enormously among LEAs in any given state and as a result there are wide variations in target school levels among districts.

We have not been able to develop comprehensive data for the country on this point but we do have information from several states which is instructive. The process is most clearly illustrated by a state which has county unit school systems, such as Maryland and Florida. Attached to my prepared statement are tables which indicate the target school levels determined in accordance with federal regulation for all districts in these two states and for selected districts of Texas and my home state of Pennsylvania. These tables indicate the districtwide average of low-income students the schools which are eligible for Title I and the schools with Title I programs in place. Examination of this data indicates that in Maryland, for example, a school with 4.4 percent of its pubils in its area defined as low-income may be defined as a target school to be eligible for Title I funding while a school in Baltimore City would have to have a 30 percent concentration of low income children in its area to be a Title I target school. In the Commonwealth of Pennsylvania, the districtwide averages range from a low of 4 percent to a high of 40 percent. The statewide average concentartion is approximately 15 percent, but the vast majority of the LEAs with the noticeable exception of the large cities have district wide averages considerably below 15 percent.[1]

Essentially a poor child in a relatively affluent district has a better chance of being in a target school and of getting services funded under Title I than does a similar child in a district with a high percentage of disadvantaged students.

That some schools with relatively high concentrations of disadvantaged students are not eligible to be Title I target schools is of particular concern because the demand for and cost of services rises with the incidence of disadvantaged students. In its first interim report on Title I published in December of 1976, the National Institute of Education found that schools with a high percentage of disadvantaged students tended to use Title I funds for auxiliary and support services to a far greater extent than low incidence schools. This reflects both the need for supplementary services, such as health care, food services and counseling as well as the inability of such school districts to finance these services from other sources. Moreover, as the Statement of Policy in the present law recognizes, concentrations of low income families generally indicate a limited ability of the district in which they are located to finance education programs, compensatory or otherwise.

We feel that Title I funds are well used in the school districts in Pennsylvania with relatively low concentrations of disadvantaged children.

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[1] We recognize that sec. 116a.20(b)(2) of the Title I regulations, an LEA may request approval of the SEA to designate as Title I project area an attendance area in which at least 30 percent of the children are from low income families.

There are children in need of compensatory education in those districts and loss of Title I funding would mean the loss of essential services. As I will mention later in my remarks, Title I should be amended to encourage states and local efforts to supplement Title I to meet the needs of children in schools not eligible or no longer eligible as Title I target schools.

But my interest today is to dramatize the anomalies of the process for designating target areas and eligible children resulting from inadequate funding for Title I. Given prospects for only modest increases in funding for Title I, ECS believes that amendments should be made to address the peculiar problems of schools with high concentrations of disadvantaged children. One option is to amend the basic Title I program to allocate funds to schools with the highest concentrations of disadvantaged children determined on a statewide basis rather than a district-by-district basis as under current law and regulations. The ECS Policy Statement comments as follows on this option:

> Title I funds should be allotted to states, using a measure of economic disadvantage, with states to choose one of two methods for instate distribution of funds: (1) a within-state ranking of schools with an incidence of educationally disadvantaged children that is higher than the statewide average (for states that have a satisfactory statewide testing system and that choose to use it as a basis for fund distribution) or (2) a within state ranking of schools with an incidence of economically disadvantaged children that is higher than the state average (for states that do not have a satisfactory testing system or that do not choose to use a measure of educational disadvantage).

In the absence of substantially increased funding for Title I, the effect of adjusting this option would undoubtedly be to reallocate funds to schools with high concentrations of disadvantaged children - primarily urban schools and schools in isolated rural areas. In Pennsylvania the vast majority of school districts in this largely rural state - including my own district - would lose Title I funding and the funds would go largely to the large urban areas. Such a dramatic shift of funds could have a disruptive effect on some districts. In the short term, the fiscal status of the state would preclude a sudden increase in state aid to compensate for the loss of federal assistance in those districts. Changes such as recommended later in my remarks to eliminate the disincentives for state compensatory education programs would certainly help in this regard.

Another option which is not in the ECS policy statement would be to establish a new program aimed specifically at the areas of the nation with large numbers of disadvantaged children. Under this option, all appropriations for Title I in excess of the FY 1978 appropriations (perhaps adjusted for inflation) could be allocated among states on economic criteria and then within the state on the basis of the concentration of either economically or educationally disadvantaged children as suggested by the ECS policy statement. Participation of a state in such a program could be contingent upon approval by the U.S. Commissioner of Education of a state plan setting forth a uniformly applicable formula for allocation of supplemental funds to districts with high concentrations of disadvantaged children. A major ingredient of such state plans could be a statewide strategy appropriate to each state's unique circumstances for addressing the problems of high concentration districts and school buildings.

STATE COMPENSATORY EDUCATION PROGRAMS

Since Title I was enacted some twelve years ago a number of states have undertaken major reforms of their school aid systems and, in the process, have addressed the needs of disadvantaged students. Nineteen states have programs of aid to local districts for the expressed purpose of financing compensatory education services. In the aggregate categorical state programs for compensatory education total more than $600 million. These figures do not reflect the state aid through equalization programs and weighing which have improved the financial condition of schools and districts serving large numbers of low income children. There is increasing awareness among state legislators that a number of children in need of compensatory education are not served by Title I, and that state programs are needed which complement, supplement or go beyond Title I. There is also an awareness that, while federal funding for compensatory education may increase, fulfillment of the needs will require both federal and state commitments.

This brings me to a point which is very much in need of attention from this Subcommittee and the Congress. Title I essentially prohibits (or is being interpreted to prohibit) states from enacting programs to provide compensatory education services to students who are not served with Title I supported programs. This is an extremely counter-productive policy and cannot possibly reflect the true intent of Congress. The problem arises because the U.S. Office of Education interprets the anti-supplanting provision Section 141(a)(3)(B) to prohibit states from recognizing Title I funds in the provision of state funded programs for students not served under the federal program. It is impossible for a state to supplement Title I in the interest of serving more disadvantaged students without taking cognizance of Title I programs.

Attached to my statement is an exchange of correspondence between counsel for ECS and Dr. Richard Fairley of the U.S. Office of Education which confirms this interpretation of the law and regulation. This matter has also been the subject to litigation. In the case of Alexander v. Califano, in the U.S. District Court for the northern district of California the court, construing the present statute very literally, ruled that state compensatory education funds have to be applied without regard to Title I funding. The effect of this is to compel double funding of some students at the expense of no services at all for other equally needy students. Perhaps more importantly, it also poses a major inhibition to the enactment of state programs in support of compensatory education.

> Defendants argue that Congress, in adopting the recent amendments to the act, meant to encourage rather than discourage State categorical aid programs, that an interpretation compelling allocation of State aid to children already receiving federal aid would serve as a disincentive to State programs, and that, therefore, in applying the supplanting prohibition, State compensatory education funds (as opposed to general State and local funding) should be excluded. While defendants may be correct as a matter of policy and politics, the language of the act does not support their argument. For it is clear that when the Congress meant to have State and local compensatory education funds receive consideration different from that accorded other expenditures on education, it knew how to articulate that distinction.

The referenced letter from Dr. Richard Fairley of the U.S. Office of Education warrants your careful examination because it is a very clear statement of this problem. In essence the present law requires that although one third of the disadvantaged students eligible for Title I are not served because of inadequate federal appropriations, states are barred from supplementing the federal program in a manner which covers such unserved children as a matter of first priority. Such a policy makes no sense as a matter of fiscal or educational equity. It should be changed by statute.

We believe this problem can best be addressed by adding language such as the following to Section 141(a)(3):

> ". . . and, further provided, that a state may (at its option) exclude from determinations under this subsection expenditures of state and local funds expended for state and local programs similar to programs under Title I."

It should be noted that existing Title I regulations permit exclusion of state and local compensatory education money in determining comparability at the local level. As evidenced in the letter from Dr. Fairley attached to my statement, this regulation is absolutely meaningless if the anti-supplanting requirements as presently being interpreted are allowed to stand. Also attached to my statement is a copy of the Court's opinion in the Alexander case.

We also believe states should not be inhibited by federal law and regulation from meshing state and federal programs for compensatory education into a single coordinated delivery system. ECS has addressed this point in its policy paper on Title I as follows:

> States should be permitted to jointly operate Title I and state compensatory education programs, provided that they supply adequate assurances of implementation of the intent of the title, and evaluative proof of impact and effectiveness, with respect to the eligible Title I population, of combined Title I and state compensatory education programs.
>
> Commingling of funds should be permitted to states that provide a specified level of funds for state and local compensatory education programs. States should apply adequate assurances of implementation of the intent of the Title I and satisfactory evidence that an amount of money equal to the total state Title I allocation is being spent only for those purposes outlined in the Title.
>
> States that choose to submit a state plan as discussed above should include procedures for joint operation of state and Title I programs and funds, as well as the necessary assurances, within such plans. States that do not choose to submit a state plan, should be required to comply with general federally designed assurances and implementation procedures.

APPLICATION OF FUNDS

We urge that attention be given to three additional problems found at the district level. First, we suggest a slight increase in flexibility for LEAs to serve educationally disadvantaged children in schools below the district wide average concentration of disadvantaged children provided the needs of children in the high concentration schools are met first. In Pennsylvania, we have a number of districts, primarily in urban areas, with high target school thresholds. Title I has been productive and effective in meeting the needs of children in target schools in those districts. But as suggested earlier in my statement, large numbers of children in high concentration schools are excluded from Title I simply because the concentration level is slightly below the district threshold. For example, in Philadelphia the district wide average is approximately 35 percent and schools above that level have Title I programs. A major need remains, however, in schools under that threshold. A slight increase in flexibility at the LEA level would lead to a greater number of children being served. An option to achieve that flexibility would be to permit an LEA to designate as a target school any school which is above the districtwide average or the statewide average concentration of disadvantaged children, whichever is lower.

A second problem concerns the child who, because of desegregation, is removed from a school in a Title I target area and placed in a non-Title I eligible school. The ECS policy statement makes the following recommendation on this point:

> In districts which are desegregated either voluntarily or by court order, the district or some other competent authority as charged with the responsibility of calling for the desegregation of our educational institutions

> should be permitted to plan programs to aid as many disadvantaged children as possible whether or not they are attending schools with above average numbers of disadvantaged children. When a district implements a desegregation plan, the Title I money should follow the child when he or she moves from a target school to an integrated school.

Implementation of this recommendation could mean the abandonment of the focus of Title I on schools with high concentrations of economically disadvantaged children. It could be argued, for example, that the lower concentration school in which a student is placed as a result of desegregation will have a greater capacity to serve that child than the higher concentration school from which the child came. As suggested earlier, the statewide average concentration might be used as a lower limit for providing Title I services to children placed in non-target schools as a result of desegregation.

A final concern is that the present Title I law and regulations provide strong incentives for schools to "pull out" children from regular education programs. The operation of separate programs for the educationally disadvantaged is justified by some as an educational technique, but it also is carried out to assure that Title I programs are discreet and auditable as required by regulation.

The issue is well stated in the following paragraph from the NIE report entitled Compensatory Education Services:

> One of the controversial issues in the delivery of compensatory instruction has been the question of whether to provide special instruction inside or outside the students' regular classroom. Pullout programs guarantee that compensatory students receive an identifiable program. On the other hand, there is concern that their use might lead to tracking compensatory students for both regular and remedial instruction. (Compensatory Education Services, NIE, Page 32)

The NIE study has found that compensatory education students spend 20-25 percent of their time in school in special instruction, on an average of five and one half hours per week. Clearly, when out of their normal classrooms, these students are missing regular insturction in various subjects including those for which remedial services are being provided. This condition is to some extent unavoidable because there will always be instances when the so called "pull out" approach is educationally sound. We believe, however, that such judgments should be made on an educational rather than a political or regulatory basis and that federal requirements should not encourage such an approach. Federal regulations require LEAs to treat Title I schools comparably to other schools in the district as a means of guaranteeing that the efforts of Title I are, in fact, focused on the intended beneficiaries and not spread throughout a given school system. This is a valid policy. Ironically after the LEA has required comparable treatment of the school, the school often lifts the educationally disadvantaged students from the classroom thus taking them away from the comparable services required by the regulations.

The NIE study has found that pull out programs are more prevalent in districts with large Title I grants. This would indicate that students are being removed from the regular classrooms in schools with a high concentration of disadvantaged students exactly the situation where improvement of the total school program is required.

The ECS policy paper addresses this problem as follows:

> Title I should be amended to become a program of general aid to schools serving high concentrations of disadvantaged students. Funds should be available for upgrading the institutional programs in such schools rather than to continue the current practice of segregating Title I students.

It should be recognized that in a school where a high percentage of students are economically or educationally disadvantaged the remainder of the student population is not likely to be vastly different. School administrators, working with parent advisory councils and others should be reasonably free to fashion a program of educational services using all funds available. They should be held accountable for the improvement in educational achievement attained rather than be bound by detailed restrictions on the use of available resources. Accordingly, we recommend that on a uniform, or at least optional, basis that a target school be allowed to develop a program of services for the entire school utilizing all funds, including Title I. Such a provision could contain a specific standard of eligibility. For example, in any school where more than 40 percent of the students are determined to be educationally disadvantaged, Title I could be used to support services for the entire school program. In particular, schools using Title I for the total school should be accountable for serving on a first priority those children in greatest need. The effect would be to permit a great deal more innovation and flexibility. For example, rather than pulling out ten disadvantaged students from a class of twenty-five for special instruction in reading leaving the remaining fifteen relatively high achievers in the normal school program the school would have the option of having two classes of approximately 12 each. This is a grossly oversimplified example but it serves to make the point.

Effective implementation of these recommendations - especially those regarding increased flexibility on targeting funds and funds following the child in desegregated districts - would probably require substantially increased funding for Title I.

CONCLUSION

I have tried to define several distinct problems created by the current law and regulation which, if corrected, could lead to more effective use of both federal and state funds to support compensatory programs. The alchemy which can convert dollars to learning has not been discovered and I think we should be realistic about our ability as legislators to construct such a process by statutes and regulations. What we can do is to take such money as is available and apply it in schools where the problems are the greatest and the opportunities for students most limited. We can remove barriers to innovative practices and can encourage administrators and teachers to do the job.

We continue to pay a painfully high price in this country for the failure of students to master basic information and skills necessary to survive and contribute in our society and economy. There are no magic answers but we, at the state level, stand ready to work with you in trying to find ways to do better.

ATTACHMENTS

Attachment A - ECS Policy Statement on Title I Compensatory Education and Resolution on Migrant Education Adopted at the ECS Annual Meeting, June 1977

Attachment B - Excerpts Related to Title I, ESEA, from National Governors' Association Policy Statement on Education Adopted September 1977

Attachment C - Statistics on Variation of District-wide Concentrations of Disadvantaged Children Used for Determination of Title I, ESEA, Project Areas: Florida, Maryland, Pennsylvania and Texas

Attachment D - Letter to Mr. Joe W. Fleming, ECS Legal Counsel, from Dr. Richard L. Fairly, Director, Division of Education for the Disadvantaged, U.S. Office of Education

Attachment E - Decision of the United States District Court, Northern District of California on Alexander v. Califano

Attachment A

RECOMMENDATIONS: POLICY OPTIONS FOR ESEA TITLE I COMPENSATORY EDUCATION FOR THE DISADVANTAGED

The education of all children, including disadvantaged children, is primarily a state and local responsibility. The federal government has provided major assistance through Title I of the Elementary and Secondary Education Act in strengthening state efforts to provide an effective education for children from disadvantaged backgrounds. The states are very appreciative of this major federal initiative on the important national priority of providing a better education for disadvantaged Americans.

Title I has operated primarily as a federal program that is separate from state and local programs for education of the disadvantaged and separate from the basic education program the states and localities provide for all children.

Title I provisions should be made more flexible in order to address effectively the wide variances in state and local governance, economies, and education needs, along with state efforts to fill such needs. Therefore, we believe that the program for the education of disadvantaged children would be improved if state and federal efforts were combined and if the state role in planning and operating programs were changed. More funds are required to provide compensatory education for all children who need it. Each of these major concerns, as well as other related concerns, are described below.

FUNDING LEVEL

Federal funds have not been allotted for Title I in sufficient amounts. It is estimated that about one-half of the eligible students have not been reached. While 19 states have developed their own compensatory education programs, these are not funded, for the most part, nearly as well as the Title I programs within these states (California is a notable exception). In fiscal year 1975, 15 states appropriated $450 million; three states — California, New York and Ohio — accounted for $387 million of this. This figure understates the total contribution for state compensatory education because some programs are locally funded. In addition, the states, of course, fund the regular education of disadvantaged — a total of about $8 billion in fiscal year 1977.

Title I spending for all states in fiscal year 1977 will total $2.285 billion. The Congressional Budget Office has outlined a policy option that, over a five-year period, adds four million students to the five million now being served, at an additional federal cost of $1.5 billion. Increases of this magnitude will be necessary if the programs are to reach most of the eligible students and if the interest of equity is to be served. However, as the Congressional

Budget Office study shows, programs (such as the Education for All Handicapped Children Act) are competing for whatever increases in funding become available.

While the Congressional Budget Office proposal is commendable, some ECS constituents do not believe that even $5 billion will provide services to all disadvantaged students because most secondary school students are not being served now with current funding. If these students were added along with unserved eligible elementary school students, the total would represent an even larger increase in funding. Implicit in the statement of intent in Title I is the federal commitment to provide assistance to states and local education agencies in serving the special needs of *all* eligible disadvantaged children. Therefore, funding should reach at least the authorized level and, further, should be expanded to cover the total target group of pupils.

ECS recognizes the reality of intense competition for federal funds, but the federal government should increase funding for Title I by such amounts as will provide services to all disadvantaged students within the next five years.

THE STATE ROLE

State Coordination

As previously indicated, most of the limited Title I funds are allocated to local education agencies to provide services to some of their disadvantaged pupils. In addition, states are given funds for special categories of children and for administration of the title at the state level. If the title could be administered by the state on the basis of a carefully constructed state plan designed to serve the heaviest concentrations of disadvantaged children in the state within the overall context of the state education system, it is believed that more efficient and less costly delivery of services would occur. Statewide financial planning would be simplified and, in addition, states would be able to exercise their responsibilities for oversight and evaluation in a more effective manner.

States should have the option of submitting a multiyear state plan as described above, for distribution of funds and application of services on the basis of uniformly applicable criteria, that would provide appropriate assurances that the intent of the title would be carried out. State plans should be subject to the approval of the U.S. Commissioner.

Title I programs should be funded, coordinated and administered pursuant to state law which is not inconsistent with existing federal law and regulations.

If the federal government does not permit state funding allocations to be based on an approved plan, the recommendations listed below are still important and should be given careful consideration as modifications of the title.

Joint Programs

States with compensatory education programs of their own are not permitted to operate these programs jointly with Title I programs or to commingle state compensatory education funds and Title I funds. This has, in some cases, made the provision of both state and federal services for compensatory education more complicated, sometimes duplicative and less cost-effective, and certainly more difficult and expensive to administer. If states with effective compensatory education programs were permitted to combine programs or funds or both, it would result in better services to the disadvantaged student at a lower overall cost. However, evaluations of Title I programs, by themselves, would be made difficult if not impossible if state and Title I programs were to be operated jointly, and an accounting of the use of federal funds would of necessity have to be included with an accounting of all state and federal funds expended for compensatory education programs. Nevertheless, joint operation of programs and joint accounting for funds would result in a stronger, more effective effort to better achieve the goals and objectives of Title I. It should be noted that the present requirement that Title I programs be operated separately serves as a disincentive for state and local agencies to establish additional compensatory education programs to complement and expand present services to disadvantaged students since they have to be "layered over" the federal Title I program.

The federal government should encourage more state provision of compensatory education services through enacting a new incentive funding program in Title I that will provide additional aid to states with their own compensatory education programs. The federal government should also repeal or modify existing Title I law and regulations that prevent a state compensatory education program from being designed to serve compensatory education children not served under Title I.

States should be permitted to jointly operate Title I and state compensatory education programs, provided that they supply adequate assurances of implementation of the intent of the title, and evaluative proof of impact and effectiveness, with respect to the eligible Title I population, of combined Title I and state compensatory education programs.

Commingling of funds should be permitted to states that provide a specified level of funds for state and local compensatory education programs. States should supply adequate assurances of implementation of the intent of the Title I and satisfactory evidence that an amount of money equal to the total state Title I allocation is being spent only for those purposes outlined in the title.

States that choose to submit a state plan as discussed above should include procedures for joint operation of state and Title I programs and funds, as well as the necessary assurances, within such plans. States that do not choose to submit a state plan, but wish to jointly operate programs or to commingle funds, should be required to comply with general federally designed assurances and implementation procedures.

Criteria for Fund Distribution

At present, funds are distributed to local education agencies on two different and somewhat conflicting principles: (1) the concentration of enough of the available funds in target schools to make a significant impact, rather than the diffusion of the available funds to all schools and all educationally disadvantaged students and (2) the provision of compensatory education services to disadvantaged children in most school districts. Because the title is not adequately funded, school districts must apply their limited funds to only part of their eligible children.

School districts with large concentrations of disadvantaged pupils must serve the schools with the highest percentages of pupils from low-income families with Title I funds in order to concentrate the funds enough to operate effective programs. They may exclude schools with substantial percentages of disadvantaged pupils simply because they are below a high district average. Other districts in the same state with lower average percentages of disadvantaged pupils will provide funds to schools with a lower concentration of disadvantaged students. But the percentage of disadvantaged pupils in a Title I school in the low-average district may be considerably less than the percentage of disadvantaged pupils in a school that is *excluded* from Title I funding in the high-average district.

Also, there has been a good deal of discussion over whether poverty criteria or a measure of educational disadvantagement should be used as the basis for allocation of funds. The current allocation to local education agencies within states and to schools within districts is made on the basis of county-level poverty criteria. Proposals have been made to distribute funds within states and districts on the basis of the number of educationally disadvantaged pupils. Educational disadvantage is used now only to select students within schools, and of course, the *possibility* exists that the principle could be applied to selections of schools within districts or of districts within states. However, universally comparable measures of educational disadvantage are not generally available on a district or school basis, nor is there agreement about which measures should be used. Moreover, not all states have satisfactory or even existent statewide testing programs; and individual district testing programs used to measure educational disadvantage very likely would result in statewide inequities.

Title I funds should be allotted to states, using a measure of economic disadvantage, with states to choose one of two methods for instate distribution of funds: (1) a within-state ranking of schools with an incidence of educationally disadvantaged children that is higher than the state average (for states that have a satisfactory statewide testing system and that choose to use it as a basis for fund distribution) or (2) a within-state ranking of schools with an incidence of economically disadvantaged children that is higher than the state average (for states that do not have a satisfactory statewide testing system or that do not choose to use a measure of educational disadvantage).

Available funds could be distributed using either educational or

economic disadvantagement criterion "from the top down" – i.e., first to schools with highest concentrations of the disadvantaged and last to schools with the lowest concentrations of the disadvantaged. While the title is not fully funded, this procedure would guarantee Title I funds and services for the schools with the most need, and it would eliminate schools and possibly entire districts with lesser concentrations of the disadvantaged.

States that choose to submit state plans should include procedures for within-state distribution of funds in such plans; states that do not choose to submit state plans should be required to comply with general federally dasigned procedures.

In districts which are desegregated, either voluntarily or by court order, the district and/or some other competent authority so charged with the responsibility of calling for the desegregation of our educational institutions should be permitted to plan programs to aid as many disadvantaged children as possible, whether or not they are attending schools that have above average numbers of disadvantaged children. When a district implements a desegregation plan, the Title I money should follow the child when he moves from a target school to an integrated school.

Fund Application

Compensatory education is, by definition, designed to assist children who are not achieving at or near grade level to "make up" some or all of their educational deficiencies. The means of doing so will vary with the student, the school and the environment in which they are located. Learning and the institutional services that produce it are not automatic processes. Title I and state supported compensatory education programs should allow for innovation at the school level. Moreover, as long as appropriations for such programs are well below the amounts needed to serve all children, funds should be directed to schools with high concentrations of disadvantaged students. At present or future levels of funds, Title I should be a program of general aid to such schools to enrich their educational program. Many of the present restrictions on the use of Title I funds would be unnecessary if the program were actually targeted on high concentration schools.

Title I law and regulations should be revised where they prevent "mainstreaming" of Title I pupils in the regular classroom when local educational authorities deem that provision of compensatory education services in the regular classroom is in the best interests of the child.

Title I should be amended to become a program of general aid to schools serving high concentrations of disadvantaged students. Funds should be available for upgrading the institutional programs in such schools rather than to continue the current practice of segregating Title I students.

Current Data on Poverty

Present allocations to states and local education agencies are made on the basis of 1970 census data that provide an index to the poverty level of counties within states. These figures do not reflect current poverty levels of states or of counties within states.

Data on the location and number of economically disadvantaged children should be updated at the county level at least every five years.

Parent Advisory Councils

Parent Advisory Councils have had an important role in increasing the level of community involvement and support of Title I programs. ECS supports amendments to Title I which further the intent of Congress in raising the level of involvement of parents in the Title I program.

Education of Migrants

The ECS Task Force on Interstate Migrant Education's interim report to be presented at the ECS 1977 annual meeting includes specific recommendations for the portion of Title I that is directed at migrant education.

MIGRANT EDUCATION

Whereas migratory workers are a basic source of labor for the agricultural and fishing industries of many states and therefore are essential to the health and economic well-being of the nation;

Whereas variations in growing and fishing seasons lead to shifts in demand for migratory labor from one state to another throughout the year and, as a result, migratory workers must live in several states during the period of a year without staying in any one state to establish residency and thereby not gaining entitlement to basic state and local services normally accorded to nonmigratory workers and their families;

Whereas the children of migratory workers must attend several schools during the academic year with the result that the child's educational experience often lacks continuity and the state, local community and the school in which the child may be attending at any one time sometimes fails or is unable to assume full responsibility for the child's education;

Whereas section 122 of Title I of the federal Elementary and Secondary Education Act recognizes the unique characteristics and the needs of children of migratory workers and represents a major national commitment to meet these needs beyond that which any single state could make.

Now, therefore, the policy is adopted that the Education Commission of the States urge states to join together through ECS to assure that the educational and health needs of migrant children who move within and among the states are served in a manner comparable to that for nonmigrant children in each of the states; and urge that the federal government continue to provide financial support for education of migrant children in a manner which reflects their unique national status.

Attachment B

EXCERPTS FROM POLICY STATEMENTS OF THE NATIONAL GOVERNORS' ASSOCIATION ADOPTED SEPTEMBER 1977

EDUCATION

UNIVERSAL EDUCATION AND THE DRAMATIC EXPANSION OF POST-SECONDARY EDUCATION OPPORTUNITIES ARE AMONG THE MOST REMARKABLE SUCCESSES OF THE UNITED STATES IN THE PAST CENTURY. IN 1976, 89.2 PERCENT OF THE CHILDREN AGED 5 TO 17 WERE ENROLLED IN SCHOOL. IN THE LAST 65 YEARS, THE MEDIAN EDUCATION ATTAINMENT OF PERSONS AGED 25 AND OLDER IN THE UNITED STATES HAS INCREASED FROM 8.1 YEARS TO 12.3 WITH THE PERCENTAGE OF HIGH SCHOOL GRADUATES INCREASING FROM 13.5 PERCENT TO 62.5 PERCENT. DESPITE THESE SUCCESSES, MUCH REMAINS TO BE DONE TO SUSTAIN THE QUALITY AND DIVERSITY OF OPPORTUNITY IN THE FACE OF RISING COSTS AND COMPETING PUBLIC PRIORITIES, AND TO PROVIDE OPPORTUNITIES FOR STILL UNSERVED OR UNDERSERVED SPECIAL POPULATIONS AND PERSONS WITH UNIQUE NEEDS.

WITHIN THE FEDERAL SYSTEM, THE STATES ARE PRIMARILY RESPONSIBLE FOR DEVELOPING THE MECHANISMS FOR FINANCING EDUCATION AND THE ESTABLISHMENT OF POLICIES TO GOVERN ITS DELIVERY. WHILE LOCAL EDUCATION AGENCIES ARE DIRECTLY RESPONSIBLE FOR PROVIDING EDUCATIONAL SERVICES, THESE AGENCIES WERE CREATED BY STATE LAW, AND OVER THE YEARS, THE STATES HAVE PROVIDED AN INCREASING PERCENTAGE OF THE SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION.

IN 1975, 44 PERCENT OF THE REVENUE FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS WAS PROVIDED BY STATES. STATE APPROPRIATIONS FOR EDUCATION, INCLUDING POST-SECONDARY EDUCATION, CONSTITUTE MORE THAN ONE-HALF OF STATE APPROPRIATIONS OF TAX REVENUES.

IN RECENT YEARS, A NUMBER OF STATES HAVE UNDERTAKEN MAJOR REFORMS IN FINANCING ELEMENTARY AND SECONDARY EDUCATION. THESE

REFORMS HAVE BEEN IN RESPONSE TO PRESSURES TO EQUALIZE TAX BURDENS AND EDUCATIONAL OPPORTUNITY AMONG SCHOOL DISTRICTS AS WELL AS TO FINANCE PROGRAMS FOR STUDENTS WHO HAVE SPECIAL NEEDS, PARTICULARLY EDUCATIONALLY DISADVANTAGED AND HANDICAPPED STUDENTS. SIMILARLY, STATES SUBSTANTIALLY HAVE INCREASED SUPPORT FOR PROGRAMS OF ASSISTANCE TO POST-SECONDARY EDUCATION STUDENTS IN ADDITION TO PROVIDING FOR DRAMATIC EXPANSION OF STATE POST-SECONDARY EDUCATION INSTITUTIONS. COLLECTIVELY, THESE STATE ACTIONS AND POLICIES CONSTITUTE A NATIONAL COMMITMENT TO QUALITY OF EDUCATIONAL OPPORTUNITY WHICH SHOULD BE SUPPORTED STRONGLY AND COMPLEMENTED BY FEDERAL EDUCATION PROGRAMS.

THE FEDERAL GOVERNMENT ALSO HAS INCREASED SUBSTANTIALLY ITS COMMITMENT TO EDUCATION IN RECENT YEARS. TOTAL FEDERAL EDUCATION EXPENDITURES WILL REACH $20 BILLION IN 1978. BUT EVEN WITH THIS COMMITMENT, THERE IS STILL NO CONSISTENT NATIONAL POLICY IN EDUCATION. THE FEDERAL PROGRAMS ARE, FOR THE MOST PART, A COLLECTION OF SINGLE-PURPOSE STATUTES WHICH REFLECT THE NEEDS OF, AND PRESSURES FROM, ELEMENTS OF THE PUBLIC WITH LEGITIMATE BUT OFTEN NARROW CONCERNS. THE STATES, ON THE OTHER HAND, HAVE A CONSTITUTIONAL OBLIGATION TO PROVIDE PUBLIC EDUCATION TO ALL STUDENTS WHILE ATTEMPTING TO MEET SPECIAL NEEDS WITHIN THIS BROADER CONTEXT. IT PARTICULARLY IS IMPORTANT THAT THE CONGRESS AND THE FEDERAL EXECUTIVE BRANCH RECOGNIZE IN THE MAKING OF LAWS AND IN THEIR IMPLEMENTATION THAT FEDERAL EDUCATIONAL PROGRAMS MUST BE CARRIED IN THE CONTEXT OF A TOTAL EDUCATIONAL SYSTEM FOR WHICH THE STATES PRIMARILY ARE RESPONSIBLE.

STATES INCREASINGLY HAVE BEEN HAMPERED IN THEIR EFFORTS TO CARRY OUT THEIR EDUCATIONAL RESPONSIBILITIES BY THE PLETHORA OF

FEDERAL LAWS AND REGULATIONS WITH OFTEN CONFLICTING AND UNCOORDINATED ELIGIBILITY STANDARDS, STATE PLANS, ADMINISTRATIVE STRUCTURES AND REPORTING REQUIREMENTS. THE PROBLEMS WHICH THE FEDERAL PROGRAMS PRESENT FOR THE STATES DO NOT REFLECT DIFFERENCES IN VALUES OR OBJECTIVES, BUT RATHER THAT FEDERAL EDUCATION PROGRAMS ARE FOCUSED ON SINGLE OBJECTIVES RATHER THAN THE ENTIRE EDUCATIONAL SYSTEM. THE NATIONAL GOVERNORS' CONFERENCE BELIEVES THAT THESE PROBLEMS, A NUMBER OF WHICH ARE DESCRIBED BELOW, CAN BE RESOLVED. THE RESULT WILL BE A BETTER EDUCATION FOR YOUNG AMERICANS AND A MORE EFFICIENT USE OF BOTH FEDERAL AND STATE RESOURCES.

SPECIFICALLY, THE GOVERNORS BELIEVE THAT FEDERAL STATUTES SHOULD BE MODIFIED TO REMOVE EXISITNG RESTRICTIONS ON STATE INITIATIVES TO REFORM SCHOOL AID SYSTEMS AND TO PROVIDE PROGRAMS FOR STUDENTS WITH SPECIAL NEEDS. FURTHER, FEDERAL STATUTES SHOULD RECOGNIZE THE DIVERSITY AMONG THE STATES IN SYSTEMS OF FINANCE AND GOVERNANCE AND SHOULD PERMIT AND ENCOURAGE THE COORDINATION AND INTEGRATION AT THE STATE LEVEL OF FEDERAL AND STATE PROGRAMS AIMED AT THE SAME SUBSTANTIVE OBJECTIVES. FINALLY, FEDERAL PROGRAMS SHOULD NOT DICTATE ADMINISTRATIVE STRUCTURES OR PROCEDURES TO BE UNIFORMLY APPLIED TO ALL STATES IN A MANNER WHICH PRODUCES CONFLICTS WITH LONG-ESTABLISHED STATE STATUTES AND POLICIES.

THE FOLLOWING SPECIFIC RECOMMENDATIONS REGARDING EXISTING FEDERAL PROGRAMS FLOW LARGELY FROM THESE CONCERNS:

1. DEFINITIONS OF "STATE" IN FEDERAL EDUCATION STATUTES

FEDERAL EDUCATION STATUTES, ESPECIALLY THOSE RELATING TO ELEMENTARY AND SECONDARY EDUCATION, REQUIRE THAT THE STATE EDUCATION AGENCY BE THE UNIT RESPONSIBLE FOR THE FEDERAL PROGRAM WITHIN THE STATE. THE ELECTED LEADERSHIP OF STATE GENERAL-

PURPOSE GOVERNMENT -- THE GOVERNOR AND THE STATE LEGISLATURE -- IS THEREBY LIMITED IN ITS AUTHORITY TO RELATE THE FEDERAL PROGRAM TO OTHER STATE PRIORITIES AND CONCERNS. THE NATIONAL GOVERNORS' CONFERENCE RECOMMENDS THAT FEDERAL EDUCATION STATUTES BE AMENDED TO MAKE THE DEFINITION OF "STATE" AND THE ESTABLISHMENT OR DESIGNATION OF STATE AGENCIES TO ADMINISTER FEDERAL PROGRAMS AS CONSTITUTED BY STATE LAW. FEDERAL LAWS SHOULD SET FORTH THE SUBSTANTIVE OBJECTIVES TO BE ACHIEVED THROUGH FEDERAL ASSISTANCE AND SHOULD LEAVE TO THE STATES THE DETERMINATION OF STATE STRUCTURES AND PROCEDURES TO CARRY OUT THE FEDERAL LAW.

THE NATIONAL GOVERNORS' CONFERENCE FURTHER RECOMMENDS THAT GOVERNORS INITIATE A THOROUGH REEXAMINATION OF STATE STATUTES THAT ASSIGN RESPONSIBILITY FOR FEDERAL EDUCATION PROGRAMS TO A STATE AGENCY IN A MANNER WHICH LIMITS THE AUTHORITY OF THE GOVERNOR AND STATE LEGISLATURE TO RELATE THE FISCAL AND LEGAL COMMITMENTS REQUIRED BY FEDERAL PROGRAMS TO OTHER STATE PRIORITIES.

2. COMPENSATORY EDUCATION

THE NATIONAL GOVERNORS' CONFERENCE RECOMMENDS THAT APPROPRIATIONS FOR TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT BE INCREASED TO THE AUTHORIZED LEVEL. BECAUSE OF INADEQUATE FUNDING, ONLY ABOUT HALF OF THE ELIGIBLE PUPILS CURRENTLY ARE BEING SERVED.

THE NATIONAL GOVERNORS' CONFERENCE FURTHER RECOMMENDS THAT THE TITLE I STATUTE BE AMENDED TO:

- CONCENTRATE FEDERAL FUNDS ON SCHOOLS WITH A HIGH INCIDENCE OF DISADVANTAGED CHILDREN DETERMINED ON A STATEWIDE BASIS;
- ALLOCATE FEDERAL FUNDS TO STATES ON THE BASIS OF THE MOST RECENT ACCURATE DATA;

- o ALLOW STATES TO COMBINE TITLE I AND STATE COMPENSATORY EDUCATION PROGRAMS TO CREATE A SINGLE, COORDINATED PROGRAM TO MEET THE EDUCATIONAL NEEDS OF DISADVANTAGED YOUTH. (TITLE I SHOULD ENCOURAGE RATHER THAN DISCOURAGE DEVELOPMENT OF STATE COMPENSATORY EDUCATION PROGRAMS WHICH SUPPLEMENT THE TITLE I PROGRAM WITHIN THE STATE.)

THE NATIONAL GOVERNORS' CONFERENCE FURTHER RECOMMENDS THAT THE FEDERAL STATUTES BE AMENDED TO SIMPLIFY, CONSOLIDATE AND PROVIDE FOR COORDINATED AMDINISTRATION OF THE VARIOUS FEDERAL COMPENSATORY EDUCATION PROGRAMS AIMED AT SPECIFIC POPULATIONS (TITLE I, BILINGUAL EDUCATION, ETC.). THESE PROGRAMS SHOULD BE BETTER COORDINATED AT THE FEDERAL LEVEL TO AVOID FRAGMENTED AND DUPLICATIVE EFFORTS TO SERVE INDIVIDUAL CHILDREN WHO MEET THE ELIGIBILITY CRITERIA OF MORE THAN ONE FEDERAL PROGRAM.

Attachment C

STATISTICS ON VARIATION OF DISTRICT-WIDE CONCENTRATIONS OF DISADVANTAGED CHILDREN USED FOR DETERMINATION OF TITLE I, ESEA, PROJECT AREAS

Florida

Maryland

Pennsylvania

Texas

[illegible]

	FLORIDA	Low Income % - Eligible Elementary Schools High	* Low	District wide %Average Low Income	Schools served /schools Eligible (Elementary)	Total District Enrollment	School Population - Eligible Schools	School Population Participating Schools	Number of Title 1 Participants	Allocations FY '76
REGION ONE	Bay	100	27.58	27.53	16/17	19,879	12,269	12,184	2,659	734,518.63
	Calhoun	41	35	38	3/3	2,071	2,071	2,071	543	138,900.42
	Escambia	99	33	32	29/29	47,746	19,794	15,018	10,713	2,087,309.46
	Franklin	49	44	41.60	3/3	1,794	1,794	1,794	388	146,837.58
	Cadsden	78.87	31.72	57.91	7/5	10,653	10,081	5,064	1,563	853,245.41
	Gulf	39.62	30.54	31.46	2/2	2,638	1,611	1,611	406	124,348.94
	Helmes	70.30	47.20	47.80	5/5	3,409	2,672	2,635	407	142,703.64
	Jackson	94	41	54	11/11	8,192	7,244	7,244	1,439	598,263.93
	Jefferson	70.29	43.49	57.61	1/1	2,699	2,699	2,699	566	212,319.21
	Leon	76.40	24.30	26.90	15/15	23,123	10,061	7,225	1,656	797,850.60
	Liberty	32	32	35	1/1	965	965	965	214	57,875.17
	Okalohoosa	43	12	11	13/13	26,949	8,900	7,791	1,151	648,036.58
	Santa Rosa	33	10	12.98	9/9	12,586	3,511	3,511	752	325,754.55
	Taylor	68.18	33.71	29.57	4/4	3,635	2,579	1,955	590	185,861.98
	Wachulla	45	37	41	4/4	2,303	2,303	2,303	474	118,561.43
	Walton	52	28	34	3/4	3,978	2,821	2,132	722	226,870.68
	Washington	80	73	69	2/2	3,251	2,684	2,684	952	241,537.51
	TOTAL				128/128	75,871	94,059	78,886	25,195	7,640,845.72
REGION TWO	Alachua	59	24	34	21/17	22,838	12,988	12,988	2,178	890,946.95
	Baker	32	21.10	20.50	2/2	3,376	1,574	1,574	300	124,183.59
	Bradford	46	32	34	5/5	3,889	1,790	1,790	486	189,003.78
	Citrus	57	26.38	25.76	6/6	6,417	4,664	4,664	527	172,468.02
	Clay	39.10	12.99	14.30	5/5	14,251	5,024	5,024	1,286	309,216.78
	Columiba	63.58	38.07	41.62	7/6	7,080	6,238	6,238	965	343,943.89
	Dixie	45	42	39.90	2/2	1,650	1,650	1,650	216	70,111.64
	Duval	86.23	43.94	36.57	41/62	81,175	54,167	24,252	16,299	1,920,051.15
	Gilchrist	31	30	30.60	2/2	1,392	1,392	1,392	123	42,166.20
	Hamilton	74	42	48	4/4	2,338	2,338	2,338	487	168,664.79
	Lafayette	32	32	32	1/1	847	847	847	179	47,457.64
	Levy	45	19	33	6/6	4,135	2,713	2,713	639	200,082.74
	Madison	55	31	47	6/6	3,802	2,764	2,764	685	275,485.82
	Marion	88.50	36.80	36.40	14/14	22,845	6,680	6,680	2,270	862,670.80
	Nassau	18.20	16.00	15.35	5/5	8,184	6,089	4,889	667	220,752.45
	Suwannee	41.50	31.00	34.50	3/3	4,875	3,697	2,634	1,068	302,108.40
	Union	44.05	41.60	39.23	2/2	1,509	1,041	1,041	197	59,198.03
	TOTAL				132/146	90,603	115,656	83,478	28,572	9,198,514.67

* Eligibility based on percentage of children of low-income families, or previous project participation as per Section 120 a.20(g) Title I regulations.

Source: Florida Department of Education

Statistics – Florida ESEA Title I Program, FY '76

FLORIDA		Low-Income %-Eligible Elementary Schools * High	Low	District wide % Average Low Income	Schools Served/ Schools eligible (elementary)	Total District Enroll-ment	School Population Eligible Schools	School Population Participating Schools	Number of Title I Partic-ipants	Allocations FY ' 76
Brevard	REGION THREE	44.30	16	17.78	22/22	27,240	13,950	13,950	2,502	1,196,197.15
Flagler		58.76	43.92	51.87	1/1	1,471	1,471	1,471	370	63,497.33
Indian River		56	26	26	10/10	10,098	4,478	4,478	681	330,219.20
Lake		60	30	30	24/24	18,017	12,207	12,207	2,213	895,966.52
Martin		77.74	22	23.18	4/4	8,279	3,547	2,094	482	272,694.10
Okeechobee		64.80	58	50.30	3/3	3,984	2,262	2,262	400	221,507.68
Orange		74.60	24.80	18.30	37/47	85,242	30,371	24,778	6,023	3,817,301.74
Osceola		21.60	16.70	16	6/6	7,808	4,021	3,701	720	349,121.74
Putnam		56.20	36.29	34.55	10/10	10,984	5,890	5,059	1,142	962,480.94
St. Johns		65.76	30.95	29.76	7/7	8,615	4,635	4,635	1,050	613,054.71
St. Lucie		79.60	54.90	34.35	6/9	15,903	9,417	4,275	1,885	1,147,470.18
Seminole		84.90	16.80	16.15	14/14	29,796	10,499	10,499	3,152	861,943.70
Sumter		63.01	40.00	48.36	8/8	4,698	3,359	3,359	622	224,251,78
Volusia		76.90	26.90	24.20	26/26	37,274	15,854	14,278	2,460	1,360,293.84
TOTAL					178/191	269,409	122,961	107,046	23,702	12,773,330.68
Charlotte	REGION FOUR	39.40	21.10	15.60	3/5	5,601	2,657	1,518	235	99,049.22
Desoto		47.95	32.41	29.44	3/3	3,994	2,903	1,755	420	100,206.73
Hardee		41.66	30.95	35.43	3/3	3,836	3,816	3,816	704	242,579.65
Hernando		43.44	30.33	29	4/4	5,646	4,107	2,143	556	158,743.33
Highlands		46	22	29	5/5	8,077	5,328	5,328	1,125	315,998.45
Hillsborough		78	26	27	75/75	120,645	63,857	60,903	12,127	696,735.35
Manatee		52	25	17.13	12/13	21,106	6,471	5,940	1,510	563,208.11
Pasco		73.22	30.86	27.69	8/10	21,158	10,330	6,094	1,340	431,914.15
Pinellas		62.21	26.31	20.21	35/42	100,065	39,601	20,425	4,818	2,022,323.91
Polk		97.83	19.88	29.19	48/48	63,044	32,115	32,115	3,980	2,199,587.30
Sarasota		35.27	16.81	14.79	6/11	24,947	10,817	7,004	1,075	533,443.74
TOTAL					202/219	378,119	181,002	147,041	27,890	10,363,789.94

* Eligibility based on percentage of children of low-income families or previous project participation as per Section 120 a.20(g) Title I regulations.

Source: Florida Department of Education

Statistics - Florida ESEA Title I Program, FY ' 76

FLORIDA		Low-Income % - Eligible Elementary Schools * High	Low	District wide % Average Low Income	Schools Served/ Schools Eligible (elementary)	Total District Enroll-ment	School Population Eligible Schools	School Population Participating Schools	Number of Title I Participants	Allocations FY ' 76
Broward		93	32	23	32/57	141,399	60,621	30,375	6,994	2,818,024.8
Collier		87	61	31	3/6	13,768	4,429	1,512	640	291,690.8
Pace		60.54	17.01	15.42	34/70	272,006	78,578	44,126	20,257	7,643,326.0
Glades	REGION FIVE	41	41	37	1/1	1,193	1,193	1,193	225	45,969.4
Hendry		49	35	32	2/3	3,793	2,484	1,665	265	122,364.6
Lee		62.80	24.90	25	18/19	27,745	13,476	10,331	1,536	597,767.8
Monroe		53	14.30	8.40	4/5	11,033	3,152	2,745	651	324,762.4
Palm Beach		79	21	23	38/42	80,921	34,180	25,033	7,963	2,318,314.0
TOTAL					132/203	551,908	198,113	116,980	38,531	14,162,220.2
GRAND TOTAL					772/887	1,565,910	711,791	533,431	143,890	50,503,033.6

* Eligibility based on percentage of children of low-income families or previous project participation as per Section 120 a.20(g) Title I regulations.

Source: Florida Department of Education

Statistics - Maryland ESEA Title I Program, FY '76

MARYLAND	Low-Income % - Eligible Elementary Schools *		District wide %Average Low Income	Schools served /Schools Eligible (Elementary)	School Population Eligible Schools (Elementary)	School Population - Participating Schools (Elementary)	Number of Title I Participants (Elementary)	Allocations FY '76 For Entire District
	High	Low						
Allegany	23.7	13.7	15.7	13/13	4,069	4,069	1,274	$ 565,877.03
Anne Arundel	19.2	7.4	7.1	32/34	17,874	16,853	3,394	1,410,858.73
Baltimore City	71.7	30.3	29.2	74/75	49,209	48,662	30,410	13,099,735.64
Baltimore	21.3	6.9	4.4	21/46	26,320	11,120	3,080	1,781,537.76
Calvert	33.1	22.0	23.8	3/3	1,599	1,599	523	367,392.87
Caroline	31.0	24.0	24.0	3/3	1,544	1,544	420	285,896.06
Carroll	11.2	4.4	7.4	8/8	5,000	5,000	1,171	338,912.80
Cecil	20.5	11.3	11.2	9/10	4,377	3,983	1,090	392,367.70
Charles	34.5	16.0	15.7	9/9	3,801	3,801	1,050	510,669.52
Dorchester	46.4	15.5	21.2	6/6	1,899	1,899	630	334,531.25
Frederick	26.9	11.2	9.5	7/9	3,698	3,016	969	507,821.51
Garrett	51.2	22.1	26.9	7/9	2,310	1,639	610	359,725.16
Harford	36.9	16.2	14.9	13/13	7,985	7,985	2,192	634,010.12
Howard	12.8	4.6	5.0	8/9	3,943	3,353	598	209,438.03
Kent	25.9	18.2	17.6	4/4	868	868	353	155,764.06
Montgomery	24.5	3.8	3.8	19/53	22,865	8,014	2,442	1,331,771.77
Prince George's	18.3	6.4	6.78	40/107	38,339	19,397	6,000	2,523,772.13
Queen Anne's	34.0	21.0	26.0	3/8	2,838	964	492	180,957.97
St. Mary's	31.5	15.7	16.8	9/9	3,346	3,346	1,045	565,877.03
Somerset	70.5	25.8	32.0	7/7	1,916	1,916	419	332,230.48
Talbot	36.9	14.4	23.2	6/7	2,237	1,374	325	257,854.15
Washington	24.8	12.7	12.7	10/14	4,098	2,898	1,620	763,923.04
Wicomico	35.2	13.6	17.9	10/10	3,916	3,916	1,355	582,307.84
Worcester	58.9	37.9	26.2	3/4	1,650	1,563	764	339,131.88
				TOTALS:	215,701	158,779	62,226	27,832,474.53

* Eligibility based on percentage or number of children of low-income families, or previous project participation as per Section 120 a.20(g) Title I regulations.

Source: Maryland Department of Education

Statistics - Pennsylvania ESEA Title I Program, FY '76

PA 1

PENNSYLVANIA		Low-Income % Eligible Elementary Schools * High	Low	District Wide % Low-Income Average	Schools served/ schools eligible (elementary)	School Population Eligible Schools (elementary)	School Population Participating Schools (elementary)	Number of Title I Participants (elementary)	Allocations FY '76 For Entire District
Cumberland Valley	RURAL	7.5	5.2	4.6	6/6	2,443	2,443	265	73,997
South Middleton		9.8	9.8	8.3	1/1	666	666	70	36,433
Juniata County		19.1	14.2	15.7	9/9	2,009	2,009	376	141,488
Ephrata		12.5	7.2	7.2	5.5	1,520	1,520	201	69,853
Pequea Valley		21.9	18.5	19.9	3/3	1,010	1,010	255	148,353
Chestnut Ridge		27.7	23.9	23.6	5/5	1,012	1,012	271	83,022
Everett Area		48.2	18.0	24.6	5/5	903	903	260	62,708
Mifflin County		46.7	14.0	24.3	17/17	4,353	4,353	557	312,264
Curwensville		17.9	14.5	13.5	2/2	930	930	100	37,549
Spring Cove		26.5	20.1	19.5	5/5	1,470	1,470	227	63,215
Hollidaysburg	SUBURBAN	28.0	13.4	17.7	8/8	2,348	2,348	330	141,437
West Shore		19.8	7.2	7.1	7/7	3,306	3,306	353	94,999
Upper Darby		10.8	6.5	5.0	6/6	3,329	3,329	360	226,309
Bristol Township		26.7	9.6	17.6	11/11	5,419	5,419	660	327,522
William Penn		27.8	15.3	11.4	3/3	1,252	1,252	512	20,726
Wilkinsburg		36.4	26.2	29.5	4/4	1,500	1,500	435	226,866
Mount Lebanon		10.0	5.0	5.0	7/7	3,344	3,344	137	76,003
McKeesport		31.8	18.9	24.1	10/10	3,133	3,133	793	439,354
Duquesne		32.2	32.2	32.0	1/1	490	490	200	118,911
Steelton Highspire		30.6	30.6	20.4	1/1	473	473	200	120,107
Altoona	URBAN	33.2	6.6	17.0	10/10	3,819	3,819	1,153	590,987
Scranton		100.0	15.1	17.4	14/14	4,851	4,851	1,195	617,174
Allentown		67.7	23.0	24.1	10/10	4,218	4,218	1,305	523,233
Reading		55.5	30.7	28.8	7/7	4,173	4,173	1,450	614,728
Chester Upland		63.9	24.1	37.1	7/7	4,577	4,577	1,595	1,249,608
Erie		45.7	20.1	14.3	9/9	3,237	3,237	1,330	931,119
Bethlehem		59.8	23.5	12.3	4/4	1,756	1,756	918	322,755
Wilkes-Barre		28.9	14.8	14.7	19/19	4,782	5,782	525	511,158
Johnstown		52.0	27.6	27.4	6/6	2,853	2,853	1,011	451,883
West Chester		50.1	30.2	8.0	4/4	1,512	1,512	511	188,083
Pittsburgh		97.5	35.9	41.2	42/42	18,164	18,164	11,089	5,691,287
Harrisburg		79.5	50.8	53.4	11/11	66,359	66,359	1,843	1,154,172
Philadelphia		85.4	34.9	35.6	133/133	90,589	90,589	60,458	25,499,720
Lancaster City		85.4	13.9	35.7	7/7	3,483	3,483	939	588,180
Easton		22.6	10.2	9.4	4/4	2,416	2,416	540	321,441

* Eligibility based on percentage or number of children of low-income families, or previous project participation as per Section 120a.20(g) Title I regulations.

Source: Pennsylvania Department of Education
K. Schmelzlen 8/77

Statistics - Pennsylvania ESEA Title I Program, FY '76

PENNSYLVANIA	Number of Ineligible Elementary Schools	Percentage of Ineligible Schools (out of total schools)	
Cumberland Valley	1		
South Middleton	0		
Juniata County	0		
Ephrata	2		
Pequea Valley	0		
Chestnut Ridge	0		
Everett Area	0		
Mifflin County	0		
Curwensville	0		
Spring Cove	0		
RURAL TOTAL	3	RURAL	4.9%
Hollidaysburg	0		
West Shore	4		
Upper Darby	4		
Bristol Township	0		
William Penn	6		
Wilkinsburg	0		
Mount Lebanon	0		
McKeesport	3		
Duquesne	0		
Steelton Highspire	1		
SUBURBAN TOTAL	18	SUBURBAN	23.7%
Altoona	9		
Scranton	7		
Allentown	9		
Reading	6		
Chester Upland	2		
Erie	14		
Bethlehem	15		
Wilkes-Barre	0		
Johnstown	1		
West Chester	9		
Pittsburgh	34		
Harrisburg	0		
Philadelphia	81		
Lancaster City	8		
Easton	3		
URBAN TOTAL	198	URBAN	40.8%

(16.5% of total schools are non target schools)

Statistics - Texas ESEA Title I Program, FY '76

TEXAS		Low-Income % - Eligible Elementary Schools * High	Low	District wide % Low Income Average all schools	Schools Served/ Schools eligible	School Population Eligible Schools (elem. and secondary)	School Population Participating Schools (elem and secondary)	Number of Title I Participants (elem and secondary)	Allocations FY '76 For Entire District
San Antonio	URBAN	85.69	40.24	40.05		68,382	33,065	17,512	$4,860,832
Dallas		89.06	41.94	38.80		144,917	63,977	35,213	5,993,966
El Paso		90.56	32.93	35.78		61,759	24,086	10,707	2,783,140
Houston		90.94	22.11	25.06		211,909	58.093	21,231	8,331,239
Corpus Christi		93.63	66.29	38.55		40,381	17,123	3,577	1,809,643
Fort Worth		92.57	43.36	37.31		71,171	28,375	7,227	2,546,534
Austin		92.72	46.62	29.23		56,774	17,709	6,258	1,603,813
North East	SUBURBAN/ ADJOINING URBAN	29.59	9.44	6.29		32,493	2,193	776	282,699
Carrollton-Farness Br.		23.77	9.04	4.93		12,254	654	215	67,112
Mesquite		42.60	6.94	7.26		19,425	1,419	788	184,137
Ysleta		90.81	47.39	41.48		42,682	18,243	7,409	1,222,734
Aldine		54.90	28.30	13.49		34,417	4,672	2,091	632,766
Spring Branch		48.74	12.08	7.01		39,992	2,924	1,237	201,135
Flour Bluff		18.38	18.38	14.00		3,665	519	170	77,479
Arlington		21.42	9.30	5.59		4,191	653	620	181,430
Pflugerville		[illegible].11	11.41	14.37		1,275	182	140	30,564
San Benito	VALLEY/RURAL	73.11	61.03	60.75		6,853	4,203	3,328	668,512
Edinburg		95.49	61.07	74.93		10,585	8,081	3,728	743,135
McAllen		85.01	51.22	46.58		14,649	7,088	3,202	940,502
Pharr-San Juan-Alamo		59.80	58.24	56.19		12,417	7,386	4,005	999,680
Weslaco		91.03	70.68	81.86		7,560	6,369	2,489	687,046
Cotulla		90.30	70.67	67.34		1,601	1,095	477	127,415
Presidio		83.00	71.57	78.77		551	434	275	44,708
Rio Grande City		93.79	84.28	84.00		4,290	3,911	1,060	341,247

* Eligibility based on percentage of children of low-income families, or previous project participation as per Section 120a.20(g) Title I regulations.

Source: Texas Department of Education

Attachment D

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

Mr. Joe W. Fleming, II
Fleming and Krevor
Suite 300
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Fleming:

I am writing in response to your letter of April 27 concerning your recent conversation with Dr. John F. Staehle of this office and to follow-up on more recent conversations Department personnel have had with you. As stated in your letter, you discussed with Dr. Staehle the "compatibility" of State compensatory education programs with Title I of the Elementary and Secondary Education Act (20 U.S.C. 241a et seq.) and the Title I Regulations (45 CFR Part 116a). The issue that you are interested in as stated in your letter "...is whether a state compensatory education program can be designed to supplement Title I" through State legislation that would require the use of State funds for programs for children in areas that are ineligible for Title I funds or eligible but not served by Title I projects. The context in which you raise this issue is that a State legislature proposes to enact a program which would provide funds to serve educationally deprived children who are either not in target schools or who are in eligible attendance areas where the concentrations of children from low-income families are less than in areas served by Title I.

As Dr. Staehle indicated to you, the statutory provision relevant to this matter is the "supplement not supplant" provision in Section 141(a)(3)(B) (20 U.S.C. 241a(a)(3)(B)). This requirement provided that a State educational agency shall not approve a local educational agency's application unless it determines that Federal funds will only be used so as:

> "...to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources."

This provision has most recently been interpreted by the United States District Court for the Northern District of California in the case of Alexander v. Califano (No. C-76-1982-WWS) in granting a partial summary judgment (decided May 17, 1977). I understand that Philip Rosenfelt of our Office of General Counsel at your request has already provided you with a copy of this opinion.

In that case, the local educational agency distributed its Title I funds in conjunction with State compensatory education funds and allocated Title I funds among Title I eligible schools which had the highest concentrations of children from low-income families (see 45 CFR 116a.20(c)) and State compensatory funds mainly in schools not served by Title I. The Court viewed the plaintiff's claim in that case as "simply that pupils in some...[district] schools eligible for both types of funds received a lesser amount of State funds than they would have received had the funds been independently allocated...," and that, therefore, a violation of the "no supplant" provision occurred. The conclusion of the Court was that "federal funds are not used to increase the level of funds available to these pupils; instead, the amount of State funds available to Title I pupils is reduced, with the resulting excess going to other pupils. On the face of it, the allocation method therefore violates Section 241e(a)(3)."

The Court relied to some extent on the regulations implementing the "no supplant" provision in 45 CFR 116.40. Under these provisions, the use of Title I funds may "not result in a decrease in the use (for educationally deprived children) of State or local funds which, in the absence of funds under Title I, would be made available for the education of such children, and that such children will not otherwise be penalized in the application of State and local funds because of such a use of funds under Title I." The regulation goes on to state that Title I funds must be "used to supplement, and to the extent practical, increase the level of State and local funds that would, in the absence of such Federal funds, be made available for the education of pupils participating in that project..." (45 CFR Section 116.40(a) and (b), emphasis added.) The Court concluded that "Without question, a number of RUSD [the local educational agency] children eligible for SB 90/EDY [the State compensatory education program] aid are penalized in the sense that they receive less from that program than they would receive from it in the absence of federal Title I funds."

There may be some distinction between the proposed legislation presented in your letter and the California State compensatory education program. However, the funding pattern in the proposed legislation as in the Alexander v. Califano case, seems to result in children served by Title I funds not receiving any benefits from State compensatory funds because they receive benefits from Title I funds. The pupils receiving Title I services, therefore, would be penalized in the distribution of State and local funds in violation of Section 116.40 of the Title I Regulations. Of course, the provisions of an enacted State program along with its legislative history would have to be carefully examined to determine if the funds would have been available to children participating in Title I, if there were no Title I funds available.

Your letter suggests that the fact that expenditures from State compensatory funds are excluded from comparability computations as provided in Section 116a.26(j)(5), which implements the exclusions from "excess costs" as set forth in 20 U.S.C. 244(17), should affect the interpretation of the "supplement not supplant" provisions. You conclude that to reject this argument "would be to discourage state governments from initiating state compensatory education programs."

The same arguments were made in the Alexander case by the State and local defendants and were rejected by the Court. Judge Schwarzer stated:

> "While defendants may be correct as a matter of policy and politics, the language of the act does not support their argument. For it is clear that when Congress meant to have State and local compensatory education funds receive consideration different from that accorded other expenditures on education, it knew how to articulate that distinction.
>
> The distinction between these two types of educational funding is made in two provisions of the statute." (Op. at p. 9)

After discussing the statutory provision, in some detail, the Court concluded:

> "The foregoing analysis strongly suggests that had Congress intended to exclude State and local funds for compensatory education from the supplanting prohibition, it could readily

> have said so. That it did not intend to do so by adopting the excess cost amendment is reflected in the statement in House Report No. 93-805. That statement shows that Congress meant to liberalize the comparability tests only; it discussed the exclusion of State compensatory education funds only in connection with comparability — when it addressed the matter of supplanting, it said only that it wished to "reemphasize... that Title I funds are not to be used to supplant local and State funds which may be available for the same or similar activities." (Emphasis added; see, p. 7, above.)
>
> What all this seems to mean is that, in meeting the eligibility standards for Title I aid, State and local agencies are not to be penalized for making available funds for compensatory education programs; children eligible for Title I aid are not for that reason to receive less than they would otherwise be entitled to receive under any State or local program." (Op. at pp. 10-11)

As a minimum, in the situations such as those involved in the Alexander case and in your letter, Section 116a.22(b)(10) of the regulations requires that children receiving Title I services be treated equitably and receive benefits from State and local funds without regard to the availability of Title I funds. This treatment would not seem to be possible under the proposed legislation discussed in your letter.

In light of the Alexander case and the Title I provisions it interprets, there are still viable methods of using State compensatory funds in districts receiving Title I funds. The safest way is to utilize these State funds in the neediest areas or in an equitable manner, and then use Title I funds over and above State and local funds to meet the remaining needs of educationally deprived children in areas eligible for Title I funds. Whether an alternative method of distributing State compensatory funds and Title I funds only to areas not eligible for Title I funds would be consistent with Title I, would depend on the specific provisions of the State legislation. It remains to be seen whether such legislation would be upheld by a court in the light of the Alexander decision.

The Office of Education will consider publishing an interpretive rule on these issues if it is felt that further guidance is necessary. In addition, consideration is also being given to recommending amendments to the statute that would provide appropriate clarification. However, it should also be noted that the local defendants in the Alexander case are attempting to appeal the decision to the Court of Appeals, and therefore further clarification may be forthcoming.

We appreciate your interest in this matter, and apologize for the delay in supplying you with a written response. We hope that this has fully responded to your inquiry.

Sincerely yours,

Richard L. Fairley
Director, Division of
Education for the Disadvantaged

Attachment E

[illegible]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BILLIE ALEXANDER, et al.,)
Plaintiffs,) NO. C-76-1932-WWS
v.)
JOSEPH A. CALIFANO, JR., et al.,) ORDER GRANTING PARTIAL SUMMARY JUDGMENT
Defendants.)

This is an action to enforce rights asserted by plaintiffs under Title I of the Elementary and Secondary Education Act of 1965, as amended, (20 U.S.C. Secs. 241a et seq.) ("Title I") and regulations issued thereunder. This Court has jurisdiction under Sections 1331 and 1343, Title 28, and Section 1983, Title 42, United States Code.

Plaintiffs allege that they are low-income residents of Richmond, California, and that the minor plaintiffs are educationally deprived children requiring special educational assistance. They sue in their own behalf and on behalf of a class of other educationally deprived children and their parents residing in areas within the Richmond Unified School District ("RUSD") eligible to receive so-called Title I assistance. Although no motion has been made under Rule 23(c)(1), Federal Rules of Civil Procedure, for a determination that the action may be maintained as a class action, no question has been raised by defendants in this regard and the record on this motion amply supports a finding that this action meets the requirements of paragraphs (a) and (b)(2) of Rule 23. Accordingly, the Court finds that, at least with respect to the issues determined on this motion, the action may be maintained as a class action.

The complaint raises, among other issues, an issue concerning the lawfulness of the method used by RUSD in allocating and distributing to various schools funds received from federal and State sources for compensatory educational programs.[1] Cross-motions for partial summary judgment on that issue have been filed and the parties agree that there is no genuine issue of material fact precluding disposition by summary judgment.

For the reasons hereafter discussed, the Court finds and concludes that plaintiffs are entitled to partial summary judgment awarding them declaratory relief against the method used by RUSD to allocate and distribute State compensatory educations funds to schools eligible to receive federal Title I aid.

I.

A. Title I makes available federal "financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means . . . which contribute particularly to meeting the special educational needs of educationally deprived children." (20 U.S.C. Sec. 241a.)

An application for Title I funds by a local educational agency ("LEA") such as RUSD must be approved by the appropriate State educational agency which must determine that the LEA has met certain requirements. Among other things, the State agency must determine that

---

> "Federal funds made available under this subchapter will be so used (i) as to *supplement* and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this subchapter, and (ii) in no case, as to *supplant* such funds from non-Federal sources . . ." (20 U.S.C. Sec. 241e(a)(3)(B); emphasis added.)

The question presented is whether the method used by RUSD, acting under regulations and directives of the State Department of Education, to distribute and allocate federal Title I funds among certain of its schools violates the statutory requirements quoted above. Specifically, the question is whether RUSD, by pooling State and federal funds and allocating a flat sum per eligible pupil, has used federal funds to supplant rather than to supplement available State funds.

B. State funds are made available to RUSD under a compensatory education program known as the Educationally Disadvantaged Youth Act. Inasmuch as it was initially enacted in 1972 as part of Senate Bill 90, it is generally referred to as SB 90/EDY. (Cal. Ed. Code Secs. 6499.230-6499.238.) California also has a program of categorical aid funds known as the Early Childhood Education program ("ECE".) (Cal. Ed. Code Secs. 6445-6446.6.) While there are differences in these programs, for purposes of the discussion here, ECE funds may be treated as being included within the SB 90/EDY allocations to the extent they also went to educationally disadvantaged children.

Under the SB 90/EDY program, RUSD must rank its school attendance areas (i.e., schools) according to educational need, determined on the basis of the number of students scoring in the lowest quartile on statewide standardized tests. 5 Cal. Ad. Code Sec. 3934(c). The available SB 90/EDY funds are then distributed among the district's schools in order of rank.

The amount of SB 90/EDY funds, as well as Title I funds, received by each eligible school, is determined by the district. In making that determination, the district is bound by guidelines issued annually by the State Superintendent of Public Instruction.[2] Those guidelines establish the maximum and minimum amount of compensatory education funds from all sources which may be spent by the district per eligible pupil. For the 1976-1977 school year, the maximum was set at $550 per pupil, the minimum at $350 per pupil. The district was left free to select any figure within that range as its per pupil expenditure of compensatory education funds. RUSD set the figure at $400 per pupil.

Had RUSD distributed the SB 90/EDY funds available to it to the schools eligible to receive such funds in the order of their SB 90/EDY ranking, and without regard to available Title I funds, at the rate of $400 per pupil, it would have run out of those funds (even after adding to them ECE funds available to the same schools) before reaching the thirteenth ranked school. Even had it distributed only the minimum of $350 per pupil, these funds would not have extended beyond the fourteenth ranked of the eligible schools.[3]

Instead of following the above procedure, RUSD pooled its SB 90/EDY funds with its Title I funds. It then allocated Title I funds among Title I eligible schools, using SB 90/EDY funds in relatively small amounts as needed to bring the aggregate allocation to the level of approximately $400 per pupil. For Title I purposes, schools must be ranked on the basis of the ratio or number of their students coming from low-income families. See, 45 C.F.R. Sec. 116a.20(b), (d), (g), (h). Inasmuch as the Title I eligible schools were apparently also eligible under SB 90/EDY, the result of this process was to stretch the SB 90/EDY funds among a larger number of schools than would otherwise have received them. Instead of exhausting those funds at the thirteenth-ranked school, RUSD was thus able to provide compensatory education funding at the $400 per pupil level from either State or federal sources to all twenty-five schools shown in footnote 3.[4]

Plaintiffs argue that by this method of allocation, RUSD used federal funds to supplant, rather than to supplement State funds, in violation of the act. They contend, and the Department of Health, Education and Welfare ("HEW") concurs, that State funds should have been allocated first and federal Title I funds layered on top, thereby concentrating the available educational assistance on those pupils needing it the most, i.e., pupils in schools which rank high under both the State scholastic standard and the federal low-income standard.

II.

Title I was initially adopted in 1965. Its basic purpose was to provide federal funds to help meet the needs of educationally deprived children in school attendance areas of districts having high concentrations of children from low-income families. (See, 1965 U.S. Code Cong. and Admin. News 1446, 1454.) Grants were to be determined with reference to and were to supplement the average expenditures per pupil in the state. (Id., at 1451.)

Experience under the act led to various complaints concerning its administration and enforcement, including complaints that federal Title I funds were being used to supplant State and local funds. (1970 U.S. Code Cong. and Admin. News 2768, 2776.) As a result, Congress in 1970 adopted, among various other amendments to the act, the present language of Section 241e(a)(3) which requires the appropriate State educational agency to make a determination that

> "(B) Federal funds made available under this subchapter will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this subchapter, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this subchapter . . ."

Senate Report No. 91-634 comments on the purpose of those provisions as follows:

> "SUPPLANTING STATE AND LOCAL FUNDS WITH FEDERAL FUNDS
>
> "Under present law there is no specific prohibition against supplanting State and local funds with Federal funds even though supplanting would be inconsistent with the theory of title I. Title I funds are intended to be supplementary to the education program generally offered by the States and local educational agencies. The amendment made by section 109 would make clear that supplanting is prohibited and that State and local funds will be used to provide services for title I children which are at least comparable to the services provided to children who are not participating in title I programs. Subsection (b) of section 109 makes clear that the addition of the 'no supplanting' clauses should not be construed to [sic, as] authorizing supplanting prior to the effective date of the amendment.
>
> "The committee wishes to point out that the language of the proposed clause (C) of section 105(a)(3) is intended to be a statement of prohibition against a type of supplanting which audit reports indicate has been the practice in some cases. Clause (C) does not require the expenditure of equal amounts of State and local funds on all children. However, in enforcing clauses (B) and (C) of section 105(a)(3), the Commissioner is expected to look to the services available to children in title I projects compared with services available to children outside project areas, and hold State and local educational agencies responsible for determining comparability of services and expenditures, and emphasize substantial equivalence in such matters as pupil-staff ratios, available courses and services, and average teacher compensation." (1970 U.S. Code Cong. and Admin. News, 2781-2782.)

In 1974, Congress adopted a further amendment in an effort to clarify the purpose for which an LEA may receive a grant under the act. As initially adopted, the act authorized such a grant upon determination by the appropriate State educational agency that

> "payments . . . will be used for programs and projects . . . designed to meet the general educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families . . ." (20 U.S.C. Sec. 241e(a)(1).)

The 1974 amendment provided that such

> "payments . . . will be used for the excess costs of [such] programs and projects . . ." (emphasis added.)

It further defined "excess costs" as costs directly attributable to programs and projects which exceed the average per pupil expenditure of an LEA but, at the LEA's option, not including

> "expenditures for any comparable State or local special programs for educationally deprived children . . ." (20 U.S.C. Sec. 244(17).)

House Report No. 93-805 contains the following comment respecting these amendments:

> "Excess Cost
>
> "The Committee bill also amends the section of the law authorizing Title I activities to reemphasize that Title I funds are to be used solely for paying the excess costs of educational programs. This means that Title I funds are not to be used to supplant local and State funds which may be available for the same or similar activities.
>
> "The same amendment by defining 'excess cost' to exclude State and local spending on programs for the handicapped, bilingual education programs, and compensatory education programs also affects the comparability requirement under Title I. Local school districts -- at their option -- may thereby delete expenditures for these purposes from their computations in determining whether their State and local expenditures on education are at least the same in Title I schools as in noneligible schools. The purpose of this amendment is to encourage State and local spending on programs for the handicapped, for the educationally deprived, and for those with limited English-speaking ability, and not to deny them Title I funds if they are using non-Federal funds for those purposes." (1974 U.S. Code Cong. and Admin. News 4108-4109.)

The question before the Court is whether these provisions prohibit an LEA, acting under regulations of the State educational agency, from allocating State and federal compensatory education funds on a pooled basis, rather than allocating State funds without regard to the available federal funds.

III.

At the outset, it should be noted that no claim is made here that State compensatory education funds were supplanted in the sense that State funds available to RUSD were reduced by reason of the availability of Title I funds.[5] The claim is simply that pupils in some RUSD schools eligible for both types of funds received a lesser amount of State funds than they would have received had the funds been independently allocated; as a result, some of the available State funds went to RUSD schools that would otherwise have received none.

Neither the language of the act, nor the legislative history of the amendments discussed above, provides a direct answer to the question whether this method of allocation violates the prohibition against supplanting.

But Congress did use what appear to be carefully chosen words in its 1970 amendment when it required that Federal funds be used so as

> "to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-federal sources for the education of pupils participating in programs and projects assisted under this subchapter and (ii) in no case, as to supplant such funds from non-Federal sources . . ."

The present controversy appears to come squarely under this provision. In the absence of federal funds, State funds of not less than $350 per pupil would have been available for the education of a number of pupils participating in Title I programs. Under RUSD's allocation method, federal funds are not used to increase the level of funds available to these pupils; instead, the amount of State funds available to Title I pupils is reduced, with the resulting excess going to other pupils. On the face of it, the allocation method therefore violates Section 241e(a)(3).

Defendants argue that Congress, in adopting the recent amendments to the act, meant to encourage rather than discourage State categorical aid programs, that an interpretation compelling allocation of State aid to children already receiving federal aid would serve as a disincentive to State programs, and that, therefore, in applying the supplanting prohibition, State compensatory education funds (as opposed to general State and local funding) should be excluded. While defendants may be correct as a matter of policy and politics, the language of the act does not support their argument. For it is clear that when Congress meant to have State and local compensatory education funds receive consideration different from that accorded other expenditures on education, it knew how to articulate that distinction.

The distinction between these two types of educational funding is made in two provisions of the statute. It appears first in Section 241e(a)(1) which specifies the purpose for which Title I assistance may be used. Under the terms of the 1974 amendment, LEA are to use Title I funds to finance the *excess cost* of programs for educationally deprived children. In determining what are excess costs, the LEA, under Section 244(17), may now use as the base its average per pupil expenditure, but need not include State or local funds spent on programs for educationally deprived children. By excluding the cost of these special programs from base costs, the amount of excess cost funding available under Title I is not decreased by reason of the availability of State and local funds for compensatory education, thus removing any disincentive against providing such funds.

The distinction is made again in connection with the requirement under Section 241e(a)(3) which requires that services provided with State and local funds in schools receiving Title I funds be at least comparable to services in non-Title I schools. To the extent that comparability is tested by comparing per pupil expenditures in Title I and non-Title I schools, Section 244(17) permits the LEA to exclude from the comparison the cost of compensatory education programs. Thus, in determining whether RUSD schools receiving Title I assistance are comparable with those that do not, RUSD is not required to consider the cost, for example, of SB 90/EDY programs at non-Title I schools.[6/]

The foregoing analysis strongly suggests that had Congress intended to exclude State and local funds for compensatory education from the supplanting prohibition, it could readily have said so. That it did not intend to do so by adopting the excess cost amendment is reflected in the statement in House Report No. 93-805. That statement shows that Congress meant to liberalize the comparability tests only: it discussed the exclusion of State compensatory education funds only in connection with comparability -- when it addressed the matter of supplanting, it said only that it wished to "reemphasize . . . that Title I funds are not to be used to supplant local and State funds *which may be available for the same or similar activities.*" (Emphasis added; see, p. 7, above.)

What all this seems to mean is that, in meeting the eligibility standards for Title I aid, State and local agencies are not to be penalized for making available funds for compensatory education programs; children eligible for Title I aid are not for that reason to receive less than they would otherwise be entitled to receive under *any* State or local program.

One may well differ, as a matter of educational policy, with the legislative choice to concentrate rather than spread aid among educationally deprived children, but that is not a matter for this Court. There is no necessary incongruity about the legislative choice nor is there, as defendants claim, conflict between the act and the regulations. The current regulations implementing Section 241e(a)(3) state without qualification that the use of Title I funds may "not result in a decrease in the use (for educationally deprived children) of State or local funds which, in the absence of funds under Title I, would be made available for the education of such children, and that such children will not otherwise be penalized in the application of State and local funds because of such a use of funds under Title I." The regulation goes on to state that Title I funds must be "used to supplement, and to the extent practical, increase the level of State or local funds that would, in the absence of such Federal funds, be made available for the education of pupils participating in that project . . ." (45 C.F.R. Sec. 116.40(a) and (b), emphasis added.) Without question, a number of RUSD children eligible for SB 90/EDY aid are penalized in the sense that they receive less from that program than they would receive from it in the absence of federal Title I funds.[7]

Defendants point to Section 116a.20(c)(1) which requires that no project area (i.e., school) receive Title I funds unless all project areas with a higher ratio or number of children from low-income families are designated to receive such funds or have been designated to receive services of the same nature or scope as would be provided with Title I funds through the use of funds from other sources. (45 C.F.R. Sec. 116a.20(c)(1).) But all that this regulation means is that Title I funds may be supplanted by State or local funds, not the reverse.

Defendants also rely on Section 116a.26(j)(5) of the regulations which permits the LEA, at its option, to exclude "State and local funds expended for . . . programs similar to programs provided under Title I for educationally deprived children . . . from determinations under this section." 45 C.F.R. Sec. 116a.26(j)(5), emphasis added.) But this section deals with comparability determinations pursuant to Sec. 241e(a)(3)(C), not with supplanting determinations under Sec. 241e(a)(3)(B) which are covered by Secs. 116.40(a) and (b), quoted above. It is obviously significant (as heretofore discussed at pp. 9-11, above) that the exclusion made for comparability purposes is not made for supplanting purposes.

Finally, defendants stress that Congress intended to leave it to State and local authorities to devise programs and projects which meet their peculiar needs, rather than to preempt the direction and control of Title I programs. There is no question that this is true, as the legislative history accompanying the 1965 enactment and the subsequent amendments clearly shows.[8/] But it is also true that Congress intended to achieve a particular purpose and shaped the act to insure that federal funds would be used in a manner consistent with that purpose:

> "Under the terms of the legislation, a local public school district may use funds granted to it for the broad purpose of programs and projects which will meet the educational needs of educationally deprived children in those school attendance areas in the district having high concentrations of children from low-income families." S.Rep. No. 146; 1965 U.S. Code Cong. and Admin. News 1454; emphasis added)
>
> "[I]n enacting Title I, Congress did not place the full force of the Federal Government behind a particular method of education -- the legislation left to local schools the decision as to what education methods are to be used in improving educational opportunities for educationally deprived children. However, the legislation does contain

> administrative procedures and evaluation and reporting requirements which are designed to insure that, whatever education methods are used, Federal funds are to be focused on the special educational needs of educationally deprived children . . ." (S.Rep. No. 91-634; 1970 U.S. Code Cong. and Admin. News 2775)

That the enforcement of the federal requirement is likely to have an impact on State and local programs and may require changes in State regulations and guidelines is not a ground for disregarding that requirement.[9] Nor is the wisdom of the policy to concentrate compensatory education funds on a small number of pupils a matter for the Court's consideration.

The Court, for the reasons stated above, is compelled to declare that RUSD's method of allocating and distributing State SB 90/EDY funds to Title I project areas, under which the amount which would otherwise be allocated and distributed to a project area is reduced by reason of the availability of Title I funds, violates the requirements of Section 241e(a)(3)(B) of Title 20, United States Code. The Court renews its recommendation that the parties apply their best efforts toward resolution of their differences to minimize costly litigation.

The Court will hold a status conference to determine the course of further proceedings in this action on June 24, 1977, at 11:30 A.M.

IT IS SO ORDERED.

DATED: May 17, 1977.

WILLIAM W. SCHWARZER
United States District Judge

FOOTNOTES

1/ The term "compensatory education" is used in the opinion to describe programs and projects intended to assist educationally deprived children, whether allocated on the basis of low income or substandard performance on scholastic tests. Unless otherwise specified, it includes both federal funds and so-called categorical aid provided by the State.

2/ The criterion for setting the guidelines is found in Section 3932 of Title 5, Cal. Admin. Code, which states:

> 3932. Minimum and Maximum Levels of Service. For each student receiving services under ESEA, Title I or the Educationally Disadvantaged Youth Program, the district shall verify an average expenditure per student of an amount under such programs determined annually by the Superintendent of Public Instruction. Such amount shall not be less than 30 percent of the average per student expenditure excluding categorical funds in schools in California nor more than 60 percent of this average.

3/ The following table lists the RUSD schools in the order in which they are ranked for State SB 90/EDY purposes (i.e., on the basis of student performance on standardized tests). The third column shows each school's ranking for Title I purposes (i.e., based on the number of low-income families among its pupils).

School	SB 90/EDY Rank	Title I Rank
Verde	1	2
Cortez	2	1
Lincoln	3	5
King	4	8
Peres	5	3
Belding	6	16
Nystrom	7	4
Coronado	8	7
Stege	9	11
Lake	10	9
Woods	11	6
Dover	12	10
Bayview	13	15
Fairmede	14	24
Grant	15	22
El Portal	16	14
Ford	17	13
Broadway	18	20
Vista Hills	19	31
Washington	20	12
Alvarado	21	21
Riverside	22	19
Wilson	23	25
Rancho	24	17
Montalvin	25	18
Balboa	26	23
Kerry Hills	27	36

4/ Plaintiffs point out, in this connection, that as a result of this method of allocation, seven low-ranked SB 90/EDY schools, not eligible for Title I funds, with 1,362 participating students representing 20.3% of the students participating in RUSD's compensatory education program, receive more than 35% of all SB 90/EDY funds received by RUSD.

5/ An illustration of this more conventional method of supplanting is found in Nicholson v. Pittenger, 364 F.Supp. 669 (E.D. Pa., 1973), where the school district had used Title I funds to finance art, music and reading programs in Title I schools while providing the same programs in other schools with State and local funds.

6/ See the discussion of the effect of the excess cost admendment on the comparability requirement in House Report No. 93-805, quoted at p. 7, above. See, also the ranking of schools in footnote 3, above, which indicates that some schools ranking high under SB 90/EDY standards rank low under Title I standards and thus may receive aid under the former but not the latter program. And see the discussion of HEW's comparability regulation (45 C.F.R. Sec. 116a.26(j)(5)) at p. 12, below.

7/ That HEW, in the administration of Title I, has interpreted the supplanting provision as applying to compensatory education funds as well as other funds is confirmed by Appeal of the State of Nebraska Title I, ESEA, Docket No. 8-(10)-74, an HEW administrative appeal, where the Title I Audit Hearing Board found that Nebraska had violated the supplanting prohibition by using Title I money to pay the salaries of special education personnel who worked with mentally handicapped children where state money was available to finance these projects.

8/

> "It is the intention of the proposed legislation not to prescribe the specific types of programs or projects that will be required in school districts. Rather, such matters are left to the discretion and judgment of the local public educational agencies since educational needs and requirements for strengthening educational opportunities for educationally deprived elementary and secondary school pupils will vary from State to State and district to district." S.Rep. No. 146, 1965 U.S. Code Cong. and Admin. News. 1464.

* * *

> "Generally, initiative and discretion are vested at the local level or the State level, preserving with the persons served, the opportunity to use Federal assistance in imaginative ways to meet particular needs in each eligible community." S.Rep. No. 91-634, 1970 U.S. Code Cong. and Admin. News 2772.

9/ Cal. Ed. Code Sec. 551 states that "The people of the State of California accept the provisions of, and each of the funds provided by, the act of Congress entitled . . ." Elementary and Secondary Education Act of 1965. See also, Cal. Ed. Code Sec. 6456.

Mrs. REIBMAN. Thank you. My testimony is based on a policy statement on compensatory education and specifically on Title I of the Elementary and Secondary Education Act adopted at the ECS annual meeting in June of this year. The ECS policy statement was developed in cooperation with the National Governors Association, the National Conference of State Legislatures, the National Association of State Boards of Education, and the Chief State School Officers.

The National Governors Association has requested that I indicate its full support for this testimony, and I request, therefore, that the National Governors Association policy statement on Title I be a part of the record of this hearing.

Mr. QUIE. Without objection, it is so ordered.

Mrs. REIBMAN. Thank you. Because the focus of ECS is on State policy and the effect of Federal programs on it, my testimony focuses on the need for modifications in Title I which will facilitate better use of Federal and State money to meet the needs of disadvantaged students. My statement focuses on four interrelated problems which I believe should be addressed in the reauthorization of Title I: Number one, the need for additional Federal funding for Title I; two, the special problems of school districts and school buildings with high concentration of disadvantaged children; three, the need to eliminate barriers in Federal law to development of State compensatory education programs and to State level interrelation of Federal and State compensatory education programs; four, the application of Federal funds at a district and school level to provide compensatory education for children excluded from present programs.

I will touch briefly on each of these with a particular emphasis on the second point, that is, the special problems of school districts and school buildings with high concentrations of disadvantaged children.

Funding concerns about appropriation levels should, I understand, be addressed to the Budget and Appropriations Committees, but since several of the problems we address result from adjustments necessary because of inadequate funding, I feel that it is important to emphasize the issue before this subcommittee as well.

Let me say that ECS' position, and my own personal position, is that compensatory education services should be provided to every child in need of such help. So long as we tolerate inadequate educational services for any child, we are cheating not only that child, but the future economic and social well being of the Nation as a whole. Accordingly, we are disturbed that large numbers of needy children are excluded from Title I because of inadequate funding.

The answer, we believe, lies first in substantially increased funding for Title I, and, second, in a series of changes in Title I to make more efficient use of not only Federal funds but also State funds aimed at meeting the needs for compensatory education.

Children in schools with high concentrations of disadvantaged children: The declaration of policy in section 101 of Title I makes profoundly good sense, but, because of the inadequate funding and the current means of distributing funds and determining program eligibility, the policy is not well served by the present Title I program. In my prepared statement I illustrate how a large number of children in need of compensatory education are excluded from Title I because of the anomalies of the current system of allocating funds to local education agencies and within the LEA's to schools with high concentration of economically disadvantaged children. To illustrate, the Title I program has a basic internal conflict. It speaks of concentrating funds in districts with high concentrations of disadvantaged children while providing money to 85 percent of the school districts in the country.

Title I reaches 68 percent of all elementary schools. To accommodate the shortfall in appropriations under the ratable reduction provision of Title I, the U.S. Office of Education has prescribed by regulation a process which dictates how LEA should allocate funds to schools under their jurisdiction. Essentially that process requires an LEA to determine the districtwide percentage of economically disadvantaged children. Any school which has a higher incidence of economically disadvantaged students is eligible for Title I funds.

The LEA may commit Title I funds to all such schools, but must do so in descending order of concentrations. Within a school district this is a quite rational means of concentrating Title I money. Within a State, it is not consonant with the expressed objective of the legislation for the simple reason that the incidence of low-income students varies enormously among LEA's in any given State, and, as a result, there are wide variations in target school levels among districts.

We have not been able to develop comprehensive data for the country on this point, but we do have information from several States which is instructive. The process is most clearly illustrated by a State which has a county unit school system, such as Maryland and Florida, and attached to my prepared statement are tables which indicate the target school levels determined in accordance with Federal regulation for all districts in these two States and for selected districts of Texas, and my home State of Pennsylvania. These tables indicate the districtwide average of low-income students, the schools which are eligible for Title I and the schools with Title I programs in place.

Examination of this data indicates that in Maryland, for example, a school with 4.4 percent of its pupils in its area defined as low income, may be defined as a target school to be eligible for Title I funding, while a school in Baltimore City would have to have a 30-percent concentration of low-income children in its area to be a Title I target school.

In the Commonwealth of Pennsylvania, the districtwide averages range from a low of 4 percent to a high of 40 percent. The statewide average concentration is approximately 15 percent, but the vast majority of the LEA's, with the notable exception of the large cities, have districtwide averages considerably below 15 percent.

Essentially, a poor child in a relatively affluent district has a better chance of being in a target school and of getting services funded under Title I than does a similar child in the district with the high percentage of disadvantaged students.

The ECS policy position is that the most direct solution to this problem would be to allocate Title I funds by State rather than by districts, using the current system of defining economically disadvantaged students and to authorize States to allocate funds to high concentration schools utilizing a uniformly applicable system based on indicators of either education or economic deprivation. Funds would be allocated to schools with the highest concentrations of disadvantaged students determined on a statewide basis. In the absence of substantially increased funding, adoption of the ECS position with respect to the basic Title I program would undoubtedly redistribute funds from schools and districts with low concentrations of disadvantaged children to schools with higher concentration, primarily isolated rural schools and urban schools.

Another option not in the ECS policy statement, which would be less disruptive than a major change in the basic Title I program, would be to establish a new supplemented program aimed specifically at the areas of the Nation with large numbers of disadvantaged children. Under this approach all appropriations for Title I in excess of the fiscal year 1978 appropriations, perhaps adjusting them for inflation, could be allocated to States on the basis of economic criteria and within the States on the basis of the concentration of disadvantaged children.

Participation of a State in such a program could be contingent upon approval by the U.S. Commissioner of Education or a State plan setting forth a uniformly applicable formula for allocation of supplemental funds to districts with higher concentrations of disadvantaged children.

A major ingredient of such State plans could be a statewide strategy appropriate to each State's unique circumstances for addressing the problem of high concentration districts and school buildings.

With regard to State compensatory education programs, we believe that Title I should be amended to encourage the development of State programs designed to serve disadvantaged children not served by Title I. Since Superintendent Riles did testify to this effect, I will omit that.

In my statement we also recommend that Title I be amended to permit the development of joint Federal-State programs for compensatory education.

Finally, we make three specific recommendations for changes designed to make more effective use of Title I funds at a local level. First, we recommend that the LEA's be authorized to serve children in need of compensatory education in nontarget schools provided the concentration of disadvantaged children in such schools is above the statewide average and that the highest concentration schools are served first.

Second, to counter the negative impact of pull-out programs in schools with high concentrations of disadvantaged children, we recommend that high concentration schools be permitted to use Title I funds for developing this program for the school building as a whole, provided assurances are given that the children with the greatest needs are given the highest priority for services, and, lastly, we recommend that Title I funds follow the child to nontarget schools in desegregated districts, provided the concentration of disadvantaged children in the nontarget school exceeds the statewide average.

I have tried to define several distinct problems created by the current law and regulation which, if corrected, could lead, I believe, to more effective use of both Federal and State funds to support compensatory programs. The alchemy which can convert dollars to learning exceeds our ability as legislators to construct such a process by statutes and regulations. What we can do, though, is to make such money as is available and apply it in schools where the problems are the greatest and the opportunities for students most limited. We can remove barriers to innovative practices and try to encourage administrators and teachers to do the job.

We continue to pay a painfully high price in this country for the failure of students to master basic information and skills necessary to survive and contribute in our society and economy. There are no magic answers, but we at the State level stand ready to work with you in trying to find ways to do better.

Thank you.

Chairman PERKINS. Let me compliment you on your testimony. I personally feel we have had some excellent testimony here this morning.

In view of the fact we have an 11 o'clock committee meeting, I will limit my questions. I would like to ask each of you a few questions, and I am going to start out with Mr. Shanker. I certainly applaud you, Mr. Shanker, and the other members of the panel, for urging us to avoid problems in connection with the formula and instead focus on ways to improve the education programs being offered in Title I.

I am likewise interested in your proposal for an add-on grant to school districts with high concentrations of poor children to be used for basic skills.

Could you suggest some ways of defining this concentration? I would like to hear you elaborate on that, to some degree. Mr. Shanker?

Mr. SHANKER. This is more of an idea rather than a program that has been specifically worked out. I think we would go about it by looking at the concentrations that are now served in terms of Title I and try to find some cutoff with schools with concentrations that are much above the average within a State. We are looking at that now, and we will have a subsequent proposal for you.

As to the use of such funds, we have been very much impressed by a recent work of Benjamin Bloom at the University of Chicago, which indicates what the effects are on students who fall behind at the beginning and that falling behind becomes cumulative throughout a semester and a year and then as the years go on. We believe that if there were intervention rather early in these target areas, which would include rather frequent testing programs within the school to see whether students had developed certain skills and acquired the knowledge that they were supposed to, and for those who had not, to develop tutorial programs which would involve teachers and paraprofessionals and also include some training of parents as to how to help their own children at home in these basic skills.

Beyond these general ideas we have not gone, but we hope we will have something more specific that we will submit to you soon.

Chairman **Perkins**. I certainly want to thank you, Mr. Shanker, for those suggestions. You think you can get the information and submit it for the benefit of the committee within the next 2 or 3 months?

Mr. **Shanker**. Yes.

Chairman **Perkins**. We want to get on this bill as early as possible next year. We are going to hold many hearings in Washington, and some field hearings. I don't know yet where we will go. We may even come to your State, but we are going to hold some field hearings and try to write the best possible legislation with only one thought in mind, namely, to benefit the children that need it most.

Now, Dr. Riles, I gather that you feel the States and local school districts need more flexibility in the Title I administration. If we should provide more flexibility, what features and restraints contained in the present program would you do away with?

Dr. **Riles**. Mr. Chairman, first, I want to say that the benefits of Title I and the aims of the program and the concepts I totally agree with, that is, to meet the needs of these disadvantaged youngsters, get them off to a good start, so they will achieve—I am totally committed to that.

The frustration that I experienced—and, as you know, I happen to have started out with Title I in our State as director of that program—has been one that our legislature and other lawmakers in the State bought the concept and then tried to make a commitment, and we find certain kinds of restrictions in Title I, which apparently assumed that the Federal Government was going to do it all. Now we find ourselves hamstrung because we are trying to do the same thing the Federal Government is trying to do.

What I would like to see happen is that once a student who needs Title I help is identified, that both State and Federal efforts can be used together to meet that need. I am not talking about general funding that goes to all youngsters, but we find it almost impossible to apply the educational disadvantaged funds to meet more students because of Federal regulations that just prohibit us from working together on it. That would be something that I would like to see flexibility given to.

Chairman **Perkins**. I know that your State, like my State of Kentucky, has had some problems with the Federal auditors in connection with Title I programs. What is your view of the audit procedure, and what has been your experience as to how it works, both from a fiscal and programmatic standpoint?

Dr. **Riles**. We have had very wide experience. I don't know whether it is because the auditors really are coming to try to find out something, or whether they just want to visit California, but in my case——

Chairman **Perkins**. More than likely the latter.

Dr. **Riles**. ——but we have one a week from someplace.

The problem with the audits is that it seems to me that the auditors don't talk to the program people. I would like to see, and this is a process, that someone audit the programs in accordance to what are the aims and goals of the legislature and the extent to which it is met. I think the fiscal people ought to come to determine whether or not money is going and being spent in the way that the Congress intended.

My frustration comes when fiscal auditors try to make program decisions and interpretations without talking to program people, and sometimes their interpretations are far different from what I believe the intent of the law is.

Chairman **Perkins**. One further question, and I would like for the entire panel to respond to this question.

Before I ask it, I just have a quick question for Dr. Riles: I notice you have been successful in cutting back approximately 20 percent on paperwork. You may explain how that is being done. But, in addition, here is the question I would like for the panel to respond to; I know that we are not taking care of all the disadvantaged youngsters under our present funding. The funding has been inadequate and is still inadequate. But somewhere along the line is there a way that we could pass on top of the present Title I program a form of general aid, perhaps with an equalization factor that would pull the poorer districts up with the wealthier districts within the State? Just how would you feel about this, Dr. Riles?

Dr. **Riles**. We have just gone through that, because our State Supreme Court in *Serrano* v. *Priest,* according to the State constitution, demanded that we were out of compliance because of these various property values. I would just say it is a very tough political problem and that I have to congratulate my legislature for making a step toward it.

My guess is that every State in this union, except perhaps three, Hawaii—that has one district—I think Florida, and one of the northern States, will be facing this problem, and will need some help in carrying it out. I would urge the Congress to take a look at this and the reason behind this. We are all committed to Title I, and it is over and above support, but as an educator, I would like to say that if the fundamental health of the district, and whether or not there are adequate resources on which to build a Title I program, then your Title I money is going to absolutely be wasted.

In other words, an inadequate school system will not produce a quality program for disadvantaged youngsters, or any other youngsters, so in line with that, I think we need your support and help.

On the other question, I would only say that one has to have a commitment to the paperwork. I see this from both sides of the question. From the point of view of the local district and the States, one would just prefer the money laid on the step and you have the opportunity to come along and pick it up and not report anything. As a matter of fact, better not laid on the steps; send it by special delivery and don't ask for a receipt.

But reality tells us that we have to be accountable and that our Congress, our legislators, if they are going to vote out billions of dollars, they want some indication of whether it is being used effectively. I think we have to realize that is appropriate.

The question then comes, how much reporting is needed? And I, in my own shop, in the Department of Education, I tell my managers over and over again to limit the amount of information they request to that which we need to answer the questions that our legislature, or the Congress, might ask. And it is a continuing battle, and I think if we are alert to it, and our conscience about this matter is kept sharp, we can keep it down to a minimum.

But, Mr. Chairman, I am not one of those who feel that it is within realism to expect not to give some reports if you are going to get the money.

A friend of mine said in another context that if you are going to put your hand in the public trough, you shouldn't object if a little reporting and a little democracy rubs off on it.

Chairman PERKINS. Go ahead, Dr. Shanker.

Thank you, Mr. Riles.

Mr. SHANKER. I would like to comment on the question of general aid. We would favor a movement toward general aid, but I think the question we have to look at is the overall budget constraints, and if the constraints are what we think they are, and what we think they are going to be, then generally it would have to be accomplished through some sort of watering down of the concentrations that now exist in Title I and other programs. we would be very much opposed to that.

Furthermore, I would say that before we move into Federal aid, we still need an improvement in Title I and in recreation or restoration of Part C for the children who most need it, and I think that then we should go on to look at general aid, but I think here we have to make the same sort of decision we would make in our own families. If we had three or four youngsters at home, and one of them is very sick, or very handicapped, there is no question that while the others can use recreation and education and clothing and all sorts of goodies, I think it is apparent we would throw as many resources as we possibly could to bring the child who is sick or handicapped as close to where the others are before we would start spending the money generally on everyone, and I think that same view should be held with respect to the allocation of Federal funds in this field.

Chairman PERKINS. I think, Mr. Shanker, you have made yourself very clear on that point.

Dr. Davis, do you want to comment?

Dr. DAVIS. In response to your question, my statement did deal with a support of general aid to education, and we indicated that our best feeling would be that a phase-in sort of a program is going to be necessary obviously in view of the funding limitation which Albert referred to. As far as equalization is concerned, I would also address myself to my full statement in which we point out in any equalization treatment, we cannot level down the whole system or the more moderate or wealthy or quality schools to the level of the disadvantaged school district. Any equalization formula would have to take in consideration a leveling up of the total base rather than a leveling down of those who have a quality program and perhaps not as many disadvantaged children as some of the districts and the utilization of these funds insofar as general aid on top of Title I would have to take into consideration the more disadvantaged districts would be leveled up rather than wealthy districts pulled down.

So we have the total public student enrollment to be considered and thought about and have to have the support of if we are going to maintain a public school enrollment and the support we now have.

Chairman **Perkins**. Mrs. Reibman.

Mrs. **Reibman**. I believe that general aid makes good sense only after we have fully met the needs of the disadvantaged children and have fully funded Title I. Then I believe general aid would be a very good idea, if it can be done, and I believe it can, involving a partnership with the States and the Federal Government. But only after all of the needs are first met on Title I.

Chairman **Perkins**. Mr. Quie.

Mr. **Quie**. Thank you.

Chairman **Perkins**. Dr. Riles, you wanted to say something?

Dr. **Riles**. Mr. Chairman, I would like to make just one comment regarding that. If the Congress should get into this field on equalization, you might discover, and I am sure you will, something that we discovered when the *Serrano* v. *Priest* decision was first rendered—if you recognized it would be wrong to assume that so-called low-wealth districts is where the disadvantaged children necessarily are because the fact of the matter is, in a high-wealth district, like San Francisco, you will have a greater concentration and a greater percentage of disadvantaged youngsters than you would have in some district like others I could name, where they are poor districts, but the people who live there are advantaged or wealthy. I just wanted to point that out.

Mr. **Quie**. Thank you. I am glad you did bring that out, because the districts are not necessarily poor, or well off, depending on the percentage of the poor that exist there, or don't exist there.

I am also struck by what Senator Reibman talked about in Pennsylvania, where you range from four percent to 40 percent of the school districts are poor, and since the regulations provide that you select as your target schools those who have a higher percentage of poor than the average school district, that means if you have an average in that 4 percent district, of 6 percent, you get money. However, in another school district you may have 25 percent poor, and you don't get the money, which I tell you offends me when we think of the need of poor children.

Before I go into my questions, I would like to just run through a few statistics we can keep in mind. I wish I had them on a chart so we could look at them because I think the four of you have provided some outstanding testimony this morning.

There is a study that O.E. commissioned, and from their information they indicate that of the total population of the school children, 76.5 percent are regular achievers and 23.5 percent are underachievers. And then they indicate that 24.5 percent of all the school children receive some form of compensatory education, and you would think, then, if there are 23.5 percent underachievers of the total, and 24.6 of all the students receive some kind of compensatory education, we are taking care of the need, but let me go through some other figures that they have.

They indicate that 31.5 percent of the poor receive some kind of compensatory education, and 43.5 percent of the poor are low achievers. So there you can see that we aren't taking care of all poor who are low achievers. Of the total number of 19 percent of the total non-poor receiving some kind of aid are low achievers. Then when we look at the total number of students, 7.7 percent are poor and low achievers and 15.7 percent are non-poor and low achievers. So, just looking at the low achievers, we have the breakdown just rounding it off, 33 percent of the low achievers are poor, and 67 percent are non-poor.

So when we look at achievement in bringing all the students up to the level that they ought to, if we address ourselves only to poor students, we are only talking about 33 percent of the low achievers, and the other 67 percent of the low achievers are non-poor.

So I think that is the dilemma we are faced with.

Now, we have had individuals say we should stay true to the economic disadvantagements all the way through to the school building and only provide the aid to poor in the school building. As you are aware now, you use economic disadvantagement all the way to the school building, and once you get the money in the school building, you then forget all about the income of their parents, and you help those who are low achievers. Dr. Riles talked about concentration of educationally disadvantaged, which seems to me you are talking about low achievers without the income that their parents might have.

In my view, we now have established sufficiently that I doubt that anybody would be able to secure amendments to this legislation which would, when it gets to the school building, only be used for the poor or even just the poor low achievers. However, I believe that school districts have the capability of determining who is a low achiever better and divide the money among the school districts better than the State taking some kind of poverty information which is not the same as we use for distribution of the money between States or between counties and then determine which ones are the target schools.

Could I ask each of you, representing a chief State school officer, a union of teachers, school boards, and State legislature, how you would feel if we amended the law so that once the money comes to the school district, the district could determine who receives the compensatory education on whatever factors they work up, either income or achievement?

I will start with you.

Dr. Riles. I certainly subscribe to the idea that more flexibility should be provided local districts because they are closer, but I think there should be some general guidelines. Now that is not to say to spell out exactly, but the intent and the guides ought to be there, and once they are there, then I think the district ought to carry it out.

One of the problems we have now—Chairman Perkins mentioned about the auditors—we have auditors who come in and try to force us to have a radioactive Title I dollar going to the head of each child, and I tell you it is impossible.

Let's take a classroom situation, where you have, say, a class of 25, and you have 23 disadvantaged youngsters, and so-called two identified as non-Title I, and say you hire an aide out of Title I money, and suppose one of those so-called non-Title I youngsters holds up their hand and says, Miss Jones, would you help me with this problem? Is that aide going to say no, I am not going to help you because you are not a Title I student? Ridiculous.

So I have to thoroughly agree with your concept that there has to be some realistic opportunity to operate a sound program. That is what we are talking about, education of kids and not this nonsense about someone coming in—I guess I don't want to be emotional about it, but I recognize the problem.

Mr. QUIE. Thank you.

Dr. Shanker?

Mr. SHANKER. I would say pretty much the same thing, that we would favor greater flexibility, but we know that wherever you create greater flexibility, you are creating greater discretion, and where there is discretion, there is going to be a decision-making process as to where the money goes, and we know that whenever there is such a process, there will be some conflict, and we know that in that conflict those who most need the money are frequently not the most able to do their fighting for their fair share of it.

So I think that any greater flexibility would have to be accompanied by some protective regulations that would make sure that the money ends up where it is supposed to end up.

Mr. QUIE. When you talk about where it is supposed to end up, are you talking about it ends up with the underachievers? It seems to me that there are poor underachievers, and poor achievers, and there are non-poor underachievers and non-poor achievers. You do not want it to go to non-poor achievers.

The other three, could you tell me where your priorities lie?

Mr. SHANKER. My priorities would remain with the poor underachievers, because I think that they are doubly handicapped. I would say that the non-poor underachiever is more likely to get help at home and from other resources. I think as long as we do not have adequate funds and as long as we do have to target, then I woud select that group of children that have that double handicap, and I think poverty in addition to underachieving would be a first priority.

Mr. QUIE. What would be the second priority of the two that are left, the poor achievers and the non-poor underachievers?

Mr. SHANKER. You have made your point.

Dr. DAVIS. Mr. Quie, ladies and gentlemen, my answer would be NSBA would certainly support such a position as you have indicated, greater flexibility at the local level to make the determinations. That is in our written statement which we introduced. This may be a little naive from a local school board member from Austin, Texas, but I really feel that the school board membership are distrusted, and they don't like it, and we believe that there has to be a greater level of trust between the various levels of government upon what local school districts can do with disadvantaged children if there are all these restrictions and guidelines and compliance orders and forms to fill out and report to the Federal Government, as well as the State government. I think we have enough Federal law now restricting our use of these funds, and I don't see any justification at all for the States adding another layer of regulations and controls and restrictions upon how we utilize those funds.

I support greater flexibility in utilization of funds in the local district, with a trust element on educational performance in making these determinations about where the money should be spent for the disadvantaged or underachiever. The first priority would be with the poor underachiever, but there are also some other underachievers, as you indicate, handicapped and some others. I don't want to have Title I money shunted off to the handicapped necessarily, but there are some other areas certainly where these funds can be well spent.

Mr. QUIE. Are you going to comment on the poor regular achiever versus the non-poor underachiever?

Dr. DAVIS. I will adopt Albert's attitude.

Mr. QUIE. That is where you really come to the decision. Educators can't throw it at the Congress and say you decide that. We have to find out if you really want it to just be limited to the poor, or should we go for underachievers no matter what?

Dr. DAVIS. I think it has to do with the term disadvantage, rather, perhaps, than poverty or poor, the things that cause them to be disadvantaged, and you are dealing with that. Language barriers, the bilingual question—I concur with Albert on that—the handicapped child, minorities, or race or sex—any disadvantagement is what the Federal Government should be dealing with, because the disadvantaged, regardless of poverty or whatever, is where the greatest needs are from the standpoint of monetary utilization to improve the education.

It takes more money; it just takes more money, and the local districts often find themselves pinched with the money. You are a better collector of resources.

Mr. QUIE. Senator Reibman, what is your reaction?

Mrs. REIBMAN. I think perhaps I might have gone part-way in answering your concern in the testimony, because we did say the States could serve educationally disadvantaged children in those nontarget schools provided those schools are above the statewide average as compared with economically disadvantaged children.

I, too, would urge a greater flexibility on the part of the States and then to the local districts in determining and ranking schools that would receive the additional aid, but I would agree that there most certainly could be greater flexibility to meet the needs of both educationally disadvantaged children as well as those economically disadvantaged. Many lap over, but there are some who don't.

Mr. QUIE. It is a problem for me to say that going through the divorce caused the real problems with the children, if one mother goes on AFDC and the other happened to get a settlement so she doesn't go on AFDC. The trauma may have produced the same disadvantagement on the child, and I recognize traditionally we think of poor not having enough books, but they may have been in the same circumstances, and I can see us trying to help both of them the same amount. That is what I am driving at.

Let me ask you a tougher one than that, and you all in a way referred to it, but especially Mr. Riles and Senator Reibman, and that is how you blend those State programs into the Federal programs.

I believe you indicated in your testimony, Mr. Riles, that about 17 States have pretty substantial compensatory programs. *Alexander*

v. *Califano* has been mentioned, which really limits the legislature from devising a State program to take care of the inadequacies of Title I. Here we are talking about those school attendance areas, those school buildings, where there is a substantial number of Title I eligible students, but you can't reach them. Under that decision it seems like you are even prohibited from trying to develop a State program.

My question is, should we try and remove the shackles so you can revise the State program so you can take care of the inadequacies of Title I, or should we also free up Title I so that you would have the chance to revise the two of them together? I would have no problem with the comparability they are talking of there if Title I were available for all Title I eligible children in the State, or at least those in attendance areas that had more than 5 percent poor in them. So could I ask you that?

Dr. RILES. I would like to respond to that, because this is one of the problems that really frustrates us in our State. If you will pardon me, Mr. Gary Hart is in the audience—if you would hold up your hand—he is one who has worked diligently to help us meet these needs, and we had to change our State law. Let me see if I can give you an illustration.

Richmond, California, now is being sued. Now why is it being sued? They made a determination, and we went along with them that for the disadvantaged youngsters in their district, that they would like to have something up and above the regular program of about $400. They got Title I money; they got educational disadvantaged money from the State. Now they are out of compliance with the law because the way Title I is being interpreted, or the way it is written, is that for the same kids and for the same extra money, that you can't use State and Federal money to do it.

So we end up by not being able to do it, where it just seems incomprehensible to me if you are talking about an identified group of children, there is no disagreement on it; there is no Federal money; there is State money to do the job; that you couldn't take that money and take it as far as it will go for that purpose.

But I think we must have flexibility. In those States where there is no effort to do anything about disadvantaged youngsters, except with the Federal money, they have no problem, but I don't think the Congress intended to have a disincentive for States to solve a problem that we all know about.

Is Richmond in your district?

Mr. MILLER [presiding]. Yes, and I would like to follow up on the question raised here. It would seem to me, and I wasn't here when Title I was started, but that if you are going to put flexibility into the program, as you and the other witnesses have talked about, and as I believe you should, you would have to make an assumption that the State-financed program is an adequate program, and, in fact, that it can meet the needs for the young people across-the-board. Then you recognize a special problem due to intensity of circumstances, whether it is poverty or background, or what-have-you.

Now in California, you have just changed or altered the method of school financing. What is the impact going to be there on the adequacy of that State program across-the-board, where you have these big disparities?

Dr. **Riles**. In AB-65, which addressed the problem of inequities, and we are talking about the tax base in the district, and I agree with some of the witnesses here that the effort has been to bring the lower districts up and do a minimum of leveling off at the top, I think the legislature did a tremendous job on this, but then there comes the other question which again Gary Hart helped with; we thought in terms of making money available, as important as it is, that at least for our voters we better do something about quality, and when you talk about quality, you mean quality for everyone.

I think one approach to Congressman Quie's concern can be met if we are allowed to carry out AB-65, where the process seems to make sense. Number one, a school that gets into the improvement program requires that the teachers and the parents at that school site take a look at the needs of their youngsters and set some goals for what they want to do, and then the money is available for them to do it.

The gentleman here talked about district flexibility and trust. The school sites, I want to tell you, look upon large districts with as much consternation about bureaucracy as he looks upon the States, so I think that is a point that should be made. Now once that is done, you determine what the problems are, if it is poverty, whatever the cause is, and whatever the lack of achievement, and then you have those resources to apply to it.

I don't think we can make it, Congressman, unless we can do that, because these general guides, you know, from high, I don't think become relevant at the local level.

Mr. **Miller**. I agree with you, but when I listened to Mr. Quie pose the question of whether you are going to help the poor underachievers, non-poor achievers, nonpoor underachievers, or whatever the categories were of concern, and that is a choice you would have to make, then that is assuming your underlying State program is inadequate. Because what happens, as I read Shanker's remarks about bilingual, I would suspect in the district I represent, in Pittsburgh and Richmond, they are robbing some bilingual teacher's time and keeping kids in bilingual programs to keep that teacher funded that way because of inadequacy of State funding.

That is why I asked if you want flexibility. Then the question is, does the Congress tie flexibility to those States that have made the equalization efforts, that have gone ahead and tried to provide the people in Watts with the basic underlying program. Then if you want to mix 10 Title I children, and non-Title I children, we don't really care if that is a determination made at a local level, that that will help those Title I children. But when the resources are still inadequate and the State won't make the effort, then we have to be concerned, it seems to me. But if you have come forward, as I think California, and I have not read all the particulars of California, but as you have done in the last days of that session, it seems to me that we can breathe easier about saying, okay, you figure out if you want to do like they did in New York, where they sent a lot of parents to school so the parents could help those children at home; that is okay, too. But until such time as the States have made that adequate effort to help out those poor districts, and equalize, until

Fresno looks across the other side of the freeway to see what is happening there, I don't think we can be flexible.

Dr. RILES. In other words, you are saying that the priority—you set the priority; I am not arguing against that—are unmet needs.

Mr. MILLER. I am saying if the State looks at its program, and says we have "X" number of districts that simply do not have the ability to raise funds, for whatever reason, a bedroom district or no industry, or whatever it is, and we rearrange our State financing to such an extent that we bring them up to what we consider to be adequate support behind each student in that district, if you have done that, the assumption would be that for the normal child, the average child, they could learn to read if they went to school in that district.

Then you look at the district, and you say this district has some particular problems because it is bilingual, incredibly poor, because the children come from split households, or whatever it is, then you can take Title I money and address it to either smaller class sizes, to field trips, to whatever you think will make the decision.

But you have told us already that you have a program underneath that child that, given the normal set of circumstances, the child should be able to learn whatever is determined. But that is not true across the country. There are a lot of districts out there that cannot generate the wealth, so then you put in this money on top of it, and they are trying to sneak it out the bottom to spread it around other schools within the district, it seems to me.

Dr. RILES. Yes, sir, I certainly see that point, and, as I say, I agree with your approach. I think the problem is when you try to write a law to meet the needs of all of the districts in the country, you are going to hurt someone.

As you know, Congressman, in California we have great diversity there. I have to look at my department; they raise questions with my managers because of the 1,042 local districts in the State, and there are 58 one-school districts.

Mr. MILLER. Under the new law what is the disparity in resources behind each child, between San Francisco and Watts, the equalization money?

Dr. RILES. If you look at the tax rates, we have a district with 11 cents that can raise over $3,000 per child and one district with a tax rate of $6—that is for $100 assessed valuation—and raise less than $400.

Mr. MILLER. With the equalization money, what will the resource be?

Dr. RILES. It is over a 5-year period. We will have 81 percent of the students in California within a $200 range of each other.

Mr. MILLER. Is that a reasonable test, if you want flexibility, that you write the law that States have made that kind of effort? I don't know if it is $200 or $500, or what?

Dr. RILES. For California, it would be great, but I don't want to sit here and speak for the other 49 States.

Mr. QUIE. Could I get my question answered by Dr. Shanker and Mr. Davis and Senator Reibman, if you still remember the question?

I think you are a particularly good witness, Mr. Shanker, because you are familiar with special education needs, the State program, and represent the professionals. Can you give greater flexibility to the State, and how should we help those State programs and the Federal program for compensatory education?

Mr. SHANKER. This is somewhat related to the earlier question, too. You know, whenever I hear one of the horror stories about what can't be done and sounds like it should be done, I am ready to jump up and down and say, yes, we need greater flexibility. But I am very worried that greater flexibility has a very good chance of leading to a reduced concentration, and there is always the pressure to take what you have and to spread it thinner and thinner until it accomplishes nothing at all. And I would be opposed to any increase in flexibility or change in the location of the decision-making process without some very firm guarantees that it would not result in that sort of general thinning out of the aid to the point where it is hardly noticeable or it doesn't have an effect.

My predecessor in my job used to make the statement that anybody who buys a bottle of gin and drinks it one drop a day is wasting his money because he will never get the desired effect that way, and I would hope that you will keep that in mind in terms of any changes that might give us one drop a day of educational aid which will not have an effect.

The second question is whether that flexibility will result in the aid going to—and we get back to the question of children in poverty. Anytime, no matter what programs we institute, there are going to be children who are by definition half of them below average in everything and to target educational programs on a group that is at the bottom and when they move up a little bit, another group has moved to the bottom and constantly targeting on that educational basis, I think misses the point of Title I.

I think that, of course, many children are not doing well because of family problems, some because the teacher that year reminds them of somebody they didn't like, others because the teacher isn't adequate, others because of all kinds of things around them, because they watch television too much, or because something else is happening. But I think what we did with Title I is to make an assumption which I think is a correct one, and that is that one of the major causes of educational retardation is poverty, and we didn't assume that every single child in poverty wouldn't learn, but we just assumed that when a child grew up in poverty, that it placed all kinds of burdens and disadvantages.

The child who is in poverty and behind educationally as well, it is pretty obvious. I think the child who is in poverty and may be a normal student, maybe we could assume that if that child received a little help, that child would perhaps be not an average student, but a superior student.

I think the commitment that was made, namely, to concentrate these moneys in such a way as to try to overcome some of the negative effects of poverty, not only on the student who is not doing so well educationally, but even on some who are doing a little better, I think that all the reasons that were there for that concentration in the first place are still there, and I would therefore be very reluctant, again without the proper guarantees of making sure that the concentrations were there and it went to those students.

Once those guarantees are there, I don't very much care who does the paperwork, but I don't think we are really talking about paperwork. I think we are talking about where dollars go, whether they are to be moved from some targets where they are now to others. And I wouldn't favor such a movement.

Mr. QUIE [presiding]. You would sooner see the money go to those 5 percent poor schools rather than shift it to those 25 percent poor schools that now are not able to get the money because they are in a district that has a greater concentration of poor?

Mr. SHANKER. I think maybe we have different answers to that. I think that there are some answers that ought to be solved in how much money we put into this rather than taking it away from one group of needy and giving it to another group. I will agree with you that they are both needy.

Mr. DAVIS. Mr. Quie, I think we have all established pretty well that comparability prevents, really, an effective merger of State or local and Federal funds for the disadvantaged. It really prevents it, stops it from happening, because if you do take State or local moneys and use them on other than Title I youngsters, the LEA is immediately out of compliance because you are not supplementing State or local funds.

As you have pointed out rather dramatically, the current program rewards lack of effort, in a sense, even by the State or local district. My own district, we spent $1,200,000 to lower the pupil/teacher ratio from an average of 27-to-1 to 22-to-1, and we could only do it in Title I schools for the obvious reasons. We thought, 18 months later, about reducing it for disadvantaged youngsters in non-Title I schools, but were stopped by comparability from doing so. Even though we wanted to make the effort, we could not do so. So this is, to me, a very gross disadvantage in the current law, and, as pointed out in the testimony earlier, supplanting has to be dealt with by the Congress.

Mrs. REIBMAN. I would agree with the last speaker and would refer you to pages 15 and 16 of the full testimony in which I address this question, that the present law acts as a disincentive and indeed it is illegal to supplant. I believe that we could address this by adding language, changing the language in the present law such as following section 141(A)(3) these following words, "and further provided that a State may, at its option, exclude from determinations under this subsection expenditures of State and local funds expended for State and local programs similar to programs under Title I."

I can best point this out by illustrating in Pennsylvania, in our subsidy proposals, we have supplemental payments for poverty and sparsity, and these are attempts to give general aid to disadvantaged children in needy areas, and we have been, though, prevented on the State level from implementing a more appropriate compensatory education program because of the restrictions in Title I.

Locally, for example, several districts have been prevented from replicating with both State and local funds programs in schools that are not served by Title I, while some children have received services from Title I within the same district, both kinds of children with both economically disadvantaged as well as educationally disadvantaged, and I think if the restriction in the law of supplanting were removed, that we would have a much better program all the way around, serving the children better.

Mr. QUIE. Mrs. Pettis.

Mrs. PETTIS. Thank you, Mr. Chairman. Again, I certainly want to welcome Dr. Riles, the State Superintendent of Schools of the largest and most populous State in the U.S. We have appreciated all he has done.

I also have appreciated Senator Reibman's testimony. It is my pleasure to welcome a woman, and your comments have been erudite and most enlightening to me. Welcome to the committee.

Dr. Riles, some witnesses have voiced the view that Federal legislation seems to have a history of being enacted to assure compliance by the last potentially successful actor. When considering legislation requiring State action, many times it appears Congress enacts bills which attempt to insure that the less-effective State will perform satisfactorily, thereby creating unnecessary strictures for States with competent departments of education. Options are reduced in favor of similarity, and thus, with every recipient required to perform in exactly the same way, no opportunity is available for the variation that might discover new and improved means of delivering educational services. I would like your comments.

Dr. RILES. First, I would like to say that I agree completely with your analysis, and I will just illustrate it by two things. The comparability requirement was amended into the law because one State in the union had a difference between black and white money going into the schools, and when Title I came, used that money to bring up the black schools, and I assume felt pretty good about themselves, at least they had gone that far. But the rules of the game were for every school to have the same amount of general money. But the whole statute was changed in order to get that one State. We speak about concentrations and meeting the needs of the youngster; yes, we are committed in our State and in many States to do that, and that commitment is in evidence because this year we are putting in almost as much as our Title I grants in order to try to reach more students, and next year we will be putting in more.

So when I talk about flexibility in the law, I hope it will be written to encourage those who are committed, and we work as partners rather than as setting up the kinds of disincentives to stifle creativity.

I agree with you, and I hope, Mrs. Pettis, that you will join with your colleagues when this law is written to see that we have that kind of flexibility to meet the needs that we all want. I would be the first in my State to say if the money is being spent in some manner that it shouldn't be spent, I would be the first to fight against that.

Mrs. PETTIS. Thank you very much, Dr. Riles. I know we are running short of time.

Chairman PERKINS. The committee will now recess until 8:30 tomorrow morning.

Mr. GOODLING. Mr. Chairman?

Chairman PERKINS. Yes.

Mr. GOODLING. May I ask two questions?

Chairman PERKINS. Yes, but we are losing the members. We set the full committee meeting for 11 o'clock, and we have lost two on our side. Go ahead and ask two questions.

Mr. GOODLING. First of all, I want to thank all of you for appearing, and particularly Senator Reibman, from my State. Even though she sits on the wrong side of the aisle, she has been an effective legislator and particularly in the education area.

Chairman PERKINS. I am sorry I responded the way I did now that I know that.

Mr. GOODLING. One question on this piece of legislation and then one other question that is very touching to me at the present time, and one which I think all of my colleagues should hear——

The first question: If Title I remains as presently is, what is the purpose of the money going to the State? As a superintendent, I could never understand that. I got a printout from Washington, D.C., that told me which schools were the targeted areas and how many youngsters were there and basically in the law and regulation what it was I had to do with that money. Then I was audited by the Federal Government, and I could never understand what the purpose of the State's involvement in Title I was. Is that a new question to you?

Dr. RILES. I would like to talk about it as a State superintendent. In this country public education is a State responsibility, and if Federal money is to come into the State and we are going to really do an effective job, we should be in it together; we should be partners in it.

Mr. GOODLING. Why shouldn't you be telling me the number of students I have in the areas where they are located in the schools that are responsible rather than a printout from the Federal Government? I was told by the Federal Government of everything I was supposed to do, yet there was another bureaucracy on top of that and paperwork coming from the State level, and when I found out I couldn't use 4-year-olds in my Title I program, I came charging to Washington, D.C., which was telling me what I had to do, to find out why, and they said it was nothing they did; it was the State regulation, and I had to go back to the State and find out why I couldn't use them. Of course, I couldn't use them because they didn't have programs designated at that time for 3- and 4-year-olds.

Dr. RILES. Congressman, I see what you are talking about, and I don't know what the Congress can do about it, but I would urge you to require both the States and those who administer the program at the Federal level to get together and eliminate—we have already eliminated 20 percent of the paperwork in these programs in our State, and I think if we could eliminate some of the paperwork, and work together to help you. You see, if the idea is for the Federal Government or the State government to do everything about operating the program, we are not going to make it.

Mr. GOODLING. I have no problems with that. My only problem was in the fact that all the directions were coming, and the determinations were coming, from Washington, D.C., and I really couldn't understand what the other involvement was all about. It was another layer on top of an already determined program from the Federal level.

I want to ask one question particularly of Senator Reibman that does not deal with this legislation, but something that I think all of these committee members are being faced with at the present time.

In 1975, legislation was passed that said with handicapped youngsters we would have individualized prescriptions, et cetera. Regulations were not written by HEW until August of this particular year, and we were told by October everything had to be in place. I am getting all sorts of problems being reported to me, and I thought since we have this many of the committee here at the present time, are you on the State level being beseiged by local school districts and State officials in education regarding how to do that in a couple months' time?

Mrs. **Reibman**. Yes, we are being beseiged, and it is a problem, and our State Secretary of Education, Carol Kline, has either testified on this point—and, as a matter of fact, we have arranged a meeting with our congressional delegation about 2 months ago, in which we expressed our dismay at the regulation coming out when it did, and it does require a great deal of time and effort. I doubt if we can comply with it by October.

Mr. **Goodling**. We are finding that handicapped youngsters are not getting any education during the first 3 weeks of this term, so far, because people are too busy doing everything else.

Mrs. **Reibman**. Right; everybody is too busy with paperwork. However, I must say, as a person concerned with education, I believe that every child ought to have an individual educational program, appropriate to that child's needs, and I think that has been the fundamental philosophy of education, anyway, to have a program that would develop the fullest potential in every child, and I think that has been the aim of the Title I program to help those who are economically and educationally deprived to meet their fullest potential. And I applaud the Congress for recognizing this.

However, I would like to see a greater partnership role between the Federal Government and the State government to have a more coordinated system of delivery to the child that needs the services that we want to provide for them, and I think that has been the thrust of our testimony, to allow us also that flexibility to commingle and to use State funds along with the Federal funds in a coordinated program to meet the needs of all the children.

Thank you.

Mr. **Goodling**. Thank you.

Chairman **Perkins**. I thank all of you very much for your appearance here this morning.

[Whereupon, at 11:10 a.m., the subcommittee adjourned, to reconvene upon the call of the Chair.]

[Additional material for inclusion in the record follows:]

Association of Media Producers

GENERAL OVERVIEW OF THE ELEMENTARY & SECONDARY EDUCATION ACT

STATEMENT OF THE ASSOCIATION OF MEDIA PRODUCERS*

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DAPHNE PHILOS
Executive Director

The United States of America has always been able to meet the needs of the country through an adaptable educational system that its citizens have supported with their dollars and their energies. With changes taking place more rapidly than ever before, however, we find that our educational system has recently been unable to break the lockstep of tradition. New technology is seen everywhere today except in the classroom. The failure of our educational system to utilize new media products and information systems explains why so many groups in our society have been only partially served by their education experience. Education is empirical. We cannot continue to deny this by ignoring the fact that today's youth are audio-visually oriented through daily contact with television, radio and quadrophonic sound. They must be reached on their own terms if their education is to be profitable.

Although we do not yet know how children learn, we do know that they each learn differently and that they respond to different stimuli in different ways.

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* The Association of Media Producers is the national trade association representing producers and distributors of educational audiovisual materials.

1707 L Street, NW Suite 515 Washington, DC 20036 202-296-4710

Therefore, the Association of Media Producers believes that to produce the informed and literate citizen that our society needs, we must provide a realistic educational environment which includes the best trained teachers, the greatest variety of modern instructional media and materials, and the best equipped schools so that students can learn with the technology they've become accustomed to.

Audio-visual media is a vital part of the educational scene. Media works, as evidenced by those who use it. Consider these comments offered by educators: "the child will read the book after seeing the filmstrip..." "films can be a valuable teaching aid when used rather than simply shown..." "before if a student didn't get the first 50 math problems in the textbook right, we'd give him 50 more. Now we say let's try something in a different format, maybe a slide tape or a film to illustrate the mathematical principles..." "all the academic skills considered 'basics' are used in media projects..." USOE has said of the Federal school library and learning resources program: "It has provided media necessary for the introduction of new subjects into the curriculum ...Many children now have the use of certain types of educational media for the first time..."

Unfortunately, as the demand for instructional media increases, teachers and librarian/media specialists are faced with a cruel fact: the property tax base on which our educational system largely relies has reached a limit. Rising school operating costs, coupled with increasing local taxpayer inability to shoulder a heavier school tax burden, are stripping schools of the means of acquiring the very instructional tools they require in a balanced educational system.

Yet, media is one of the most cost-effective educational tools available! Educational media can provide new learning experiences economically and without restriction to time, location or frequency of use. In large classes media permits teachers to individualize instruction and to enable children to learn at their own pace. The newer media can also overcome the problems of distance, and dispersed facilities, and of the mobile populations found in areas with concentrations of migrant workers. As career education programs expand, audio-visual materials can bring into the classroom a wide variety of work-related experiences so students can actually become involved in simulated careers before they must make career decisions. Thus, media can help prevent poor career choices which cost both employers and employees time and money.

We believe that instructional media are intrinsic to quality education; we believe that the Congress must take positive action to lead the Nation back to quality education; and we believe that this leadership can best occur through continuation of categorical education programs. Categorical aid to education has enabled the Federal Government to target funds toward priority areas. Block grants, on the other hand, have proven to submerge or subvert categorical programs which have proven their worth. Without the direction offered by the categorical aid approach, the Federal Government would be in a position of merely suggesting national priorities without providing the leadership and impetus necessary for their implementation.

Further, to insure a balanced educational system, the Association of Media Producers believes that all Federal education programs should include appropriate legislative and regulatory language which provides for "acquisition of appropriate educational materials and equipment." A national survey of 24,000 teachers revealed that instructional materials structure 95% of classroom time and 90% of homework time. Although some Federal education programs permit expenditures for instructional materials and equipment, official and unofficial guidelines often restrict and sometimes eliminate funds for this purpose. With national attention focused on the decline in life skills, it does not appear feasible to expect improvement in ability unless we expand the availability of instructional materials necessary to do the job as well as improve the quality of instruction in general. Therefore the ability to purchase materials as a local option under Federal programs should be explicit. A variety of good instructional resources are an integral part of quality education programs; as such they should become a specifically recognized part of Federal education programs.

The Association of Media Producers is also very concerned that Congress, in enacting the Elementary and Secondary Education Act, and the US Office of Education in administering the programs authorized by the Act, have almost totally overlooked a sizeable body of knowledge and expertise which exists in the educational media industry. Grants to develop and disseminate instructional materials flow in great numbers to state and local educational agencies and private non-profit educational organizations. Commercial producers may not compete for grants, and Federal education officials seldom exercise the option -- where it exists -- to award contracts instead of grants, even though this action would permit both private and public sector participation in competition. Congress, for its part, has frequently excluded proprietary organizations from competing even for contracts. This practice of avoiding the private producer and publisher makes little sense and is, moreover, very costly.

The Association of Media Producers recommends that where Federal law only permits awarding of grants to state and local education agencies and private non-profit organizations for development and dissemination of instructional materials, the statute should be amended to provide for awarding of contracts to private for-profit organizations as well as to the organizations referenced above. USOE should always be encouraged to award contracts instead of grants both because this will broaden the competition and because contracts are legal documents which require that the contractor actually deliver the services promised. Grants do not carry this responsibility -- one can only hope for results.

Involving commercial publishers in education programs is imperative. Commercial producers work with educational consultants as a matter of course in developing instructional materials. A relationship has evolved between subject matter specialists, who contribute knowledge of curriculum areas and teaching methods, and producers, who contribute expertise in media format, packaging, promotion and dissemination.

By ignoring the resources of the private sector, Federal education policy has placed educational institutions in the business of producing, packaging, and disseminating instructional materials -- areas in which they cannot be expected to have expertise. The result is the development of materials of questionable value, both in format and in technical quality required for mass production. Thus, Congress continues to express dissatisfaction with the dissemination practices of Federal education agencies, and these practices do not seem to improve.

The General Accounting Office, in its October 20, 1976, report ("National Science Foundation-Supported Science Education Materials: Problems in Evaluation, Distribution, and Monitoring" HRD-76-134) noted particularly the need to involve the private sector in the development and distribution of science education materials (such as teaching guides, textbooks, films, and videotapes). The report emphasized the importance of working with the private sector in evaluating the acceptability of proposed materials and their likely effectiveness because of the experience commercial producers and publishers have in product development and marketing.

Too often grants are made for the development of instructional materials that are already available in the educational marketplace. Federal officials, in awarding the grants, indicate that there is a need for the materials. Not only is this a waste of tax dollars in cases where adequate materials already exist, but it can become a self-fulfilling prophecy: the private sector will not be willing to invest in production of educational materials when it anticipates that the same Federally-subsidized products are likely to appear in the commercial market at non-competitive prices.

The awarding of grants to public educational agencies acts as a disincentive to commercial producers who must make large investments of their own capital to create a product for sale in a competitive market. If the current trend continues, commercial producers will simply be unable to afford to compete with Federally-subsidized materials. As a result, not only will the Federal Government have to invest even more money in the production of instructional materials, thus encouraging a Federal curriculum, but it will feel the effect of reduced taxes on both the corporate and individual levels, while assuming the additional costs of unemployment payments.

In disparaging the profit motive, Federal education agencies fail to recognize a very important concept: instructional resources that don't work, that don't demonstrate their effectiveness as learning tools, also don't sell. Commercial producers do not invest in production of materials that won't supply a return on their investment. Therefore, they must apply stringent evaluation criteria to the materials they market. Because of the resources available to them, the evaluation of materials occurs on a broader scale than the U.S. Office of Education could attempt to accomplish. Through established preview practices, educational media is reviewed and evaluated by teachers in the classroom before any commercial transaction takes place. In this way, the educational media industry is able to supply educational agencies with materials that have been tested in the most effective way possible -- with learners.

The Association of Media Producers urges the Congress to incorporate the proposals we have suggested in the re-authorization of the Elementary and Secondary Education Act. We believe the philosophies we have presented are educationally sound and should be reflected in any new legislation providing assistance to the Nation's schools.